

7/3/84
(97)

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PLAINTIFF'S AFFIDAVIT
(A236-A239)

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 GRZYMALSKI, 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. Petitioner's legally unopposed motion should
be granted!

b. This affidavit is submitted in further support
of his motion to sustain petitioner's Writ of Habeas
Corpus, as a matter of law, for the failure to afford
petitioner a "speedy trial", violating petitioner's
constitutional and statutory rights.

2. Petitioner's motion is unopposed by anyone with legal standing.

a. The non-judicial parties, represented by the Suffolk County Attorney, have been denied leave to intervene, by Order dated February 10, 1981 (Exhibit "1"). -- A fact that the Suffolk County Attorney has been reminded of a number of times, but he insists on injecting his defamatory and prejudicial remarks into the record and confusing the issues.

b. The respondent, the Sheriff of Suffolk County, has represented to the Appellate Division, Second Department that he is essentially a stakeholder, without any "real interest" in the matter.

Thus, in his Brief to the Appellate Division, Second Department, he stated:

"Respondent Sheriff has never had any real interest in the underlying related Surrogate's proceedings other than as an official of the Court for purposes of ministerially enforcing the Court's mandates." (Exhibit "2")

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3. The situation exists because a federal judge believed that the Suffolk County entourage would honor the Federal Constitution and His Honor's unambiguous opinion on the subject, as they did the first time after His Honor had delivered a verbal gun-to-the-head edict! -- This time His Honor was wrong!

4a. The defendants [respondents] refuse to proceed to trial because they have actual knowledge that plaintiff [petitioner] was actually in the midst of a trial in Supreme Court, Bronx County, at the time of this in absentia criminal proceeding.

b. Annexed (Exhibit "3") is a copy of plaintiff's "nuts" letter, when the Suffolk County entourage refused to follow the advise and opinion of a federal judge, when this matter was before His Honor, that the conviction was constitutionally outrageous!

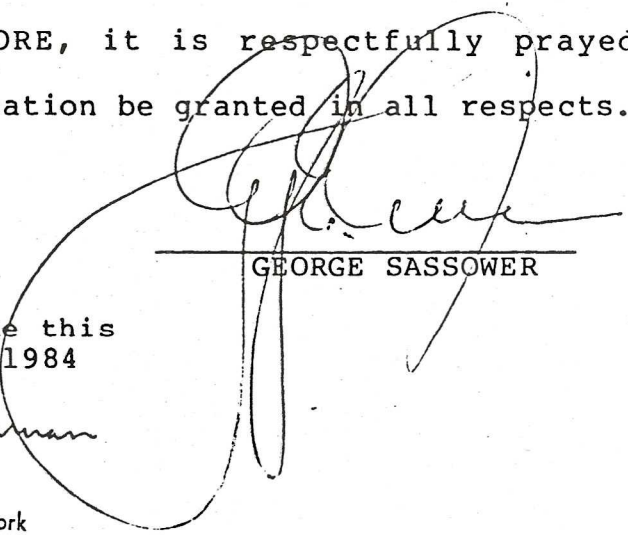
This is the same opinion of about every other judge or attorney outside the Second Judicial Department!

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5a. After six (6) years, being constantly disparaged by the Suffolk County Attorney, the federal constitution is grossly offended (Klopper v. North Carolina, 386 U.S. 213, 87 S.C. 988, 18 L.Ed2d 332; N.Y.S. Constitution, Art. 2 §), the statutory intent manifestly transgressed (Criminal Procedure Law, §30.20; Civil Rights Law §12), and civilized conscience greatly disturbed by such a performance by governmental officials.

b. The language in People v. Cousart (58 N.Y.2d 62, 458 N.Y.S.2d 507) sustains deponent's position.

WHEREFORE, it is respectfully prayed that deponent's application be granted in all respects.



GEORGE SASSOWER

Sworn to before me this 3rd day of July, 1984

Kenneth Silverman

KENNETH SILVERMAN
Notary Public, State of New York
No. 24-4608988
Qualified in Kings County
Commission Expires March 30, 1985

Law Office
~~GEORGE SASSOWER~~

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EXHIBIT "3" - PLAINTIFF TO SUFFOLK CO. ATTY

A240-A242
~~GEORGE SASSOWER~~

15 Hyattsville Station New York N.Y. 11550

014/686-4060

212-962-5757

March 24, 1978

Howard E. Pachman, Esq.
County Attorney : Suffolk County
Veteran's Memorial Highway
Hauppauge, New York, 1178

Dear Mr. Pachman,

Thank you for your kind consideration in mailing me a copy of a letter that you mailed to the Sheriff of your County dated March 22, 1978, which came in an envelope bearing date of the 23rd inst., and received today.

Thank you for ruining a perfectly pleasant week-end!

Since your office has a copy of the Order of Commitment which on its fact states that such Order of Criminal Contempt was made after testimony was taken in my absence, you know for a fact that such Order and Warrant are jurisdictionally defective.

That was the specific holding of Mr. Justice GEORGE F.X. MCINERNEY by his decision of July 28, 1977 and even were it not good law (which it is) you are bound by the Order entered thereon until reversed.

Your assistant, Erick F. Larsen, Esq., was shown the case of In re Oliver (333 U.S. 257) and has been given every courtesy by me in order to aid him in coming to a legally proper decision. I must confess some annoyance, that with all the courtesy that I have shown him in this respect he has not advised me of any applicable case sustaining the procedures of the Surrogate's Court in the instant situation, except one, which he later agreed was non-applicable.

I must assume that he found no case upholding the validity of such Order of Commitment.

In any event you must realize that you have absolutely no immunity in a criminal prosecution for violating my civil rights.

I further draw your attention to the statement in

Exhibit "3"

Bradley v. Fisher (80 U.S. 335), wherein the Court stated:

"when the want of jurisdiction
is known ... no excuse is
permissible (p.352).

You may guide yourself accordingly in view of your potential civil and criminal liability and hope that in the event you still pursue your intended illegal course that you will advise your Sheriff that after my arrest he observe my civil rights to a punctilio, particularly my right to obtain a Writ of Habeas Corpus.

I did read this week the opinion of the Circuit Court of Appeals in Zarcone v. Perry, and wonder how long your citizenry will tolerate public expenditure of monies because of the gross constitutional violations of some of your judges (whether the monies come from the county or indirectly by way of insurance premiums makes no difference). Of course punitive damages comes out of the individuals own pocket I understand, which was also sustained by that Court.

In view of the aforementioned, I believe you should reconsider your course and follow the Constitutions of the United States and State of New York, thereby not only safeguarding my rights, but also minimizing the liability that would otherwise attach to the wrongful judicial conduct which itself will be judged at a later date.

Your letter makes reference to another letter of March 9, 1978, (which I do not have) but it seems that you have turned over the enforcement vel non of the criminal law to Mr. Anthony Mastroianni and Vincent G. Berger, Esq., which is rather interesting, particularly since they and your office have been using the enforcement of a criminal conviction in the desire to negotiate with me, a matter which should be examined by your District Attorney.

In the Winter of 1944 I was in the Ardennes of Belgium, and if I may adopt the response of the 101st to the offer to surrender, it is "nuts".

Less than one mile from where I was arrested last June there is a sign indicating the birthplace of "The Bill of Rights". I have no intention of making it the burial ground of those very rights.

I assume that you have also advised the Sheriff of his potential personal liability, which he should know from the Zarcone verdict.

If you desire to proceed, you or the Sheriff may

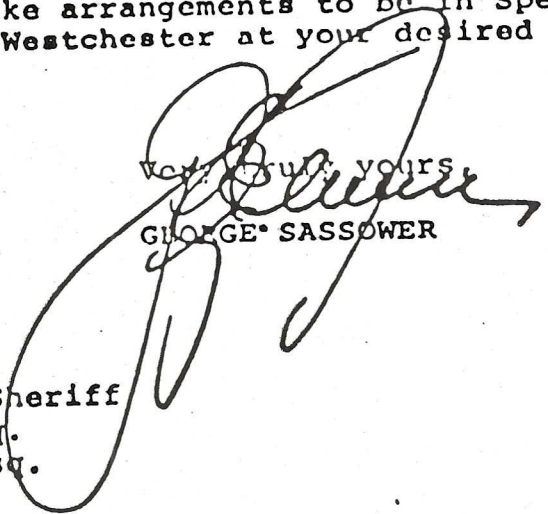
Howard E. Pachman, Esq.

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March 24, 1978.

telephone and I will make arrangements to be in Special Term
in New York, Bronx, or Westchester at your desired time of
arrest.

Very truly yours,


GEORGE SASSOWER

GS/bh

cc: Hon. Jacob Mishler
John P. Finnerty, Sheriff
Emanuel M. Kay, Esq.
Erick F. Larsen, Esq.