COURT OF APPEALS : NEW YORK STATE

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THE PEOPLE OF THE STATE OF NEW YORK,
ex., rel. GEORGE SASSOWER,
Petitioner-Appellant,
-against-
SHERIFF OF SUFFOLK COUNTY,
Respondent-Respondent.

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§500.2 STATEMENT

a1. The title of the case appears as above.

2. The Appeal is from Orders of the Appellate Division of the Supreme Court, Second Judicial Department.

3. The Notice of Appeal was served and filed on March 21, 1991.

4. The Orders of July 23, 1983 and May 30, 1987 were never served on appellant.

5a. The attorneys for respondents are Reisman, Peirez, Reisman & Calica, Esqs., 1301 Franklin Avenue, Garden City, New York 11530 ([516] 746-7799).

b. The Solicitor General is also being served since the statutory scheme is being attacked as unconstitutional on its face and/or as applied.

b1. Notice of Appeal (Exhibit "A").

2. Not in possession of appellant, requesting same.

3. Not in possession of appellant, requesting same.

4. Opinion of Appellate Division dated May 30, 1987 (Exhibit "B") and July 23, 1983 (Exhibit "C").

5. Not Relevant, but attempting to obtain a copy.

6. Not Applicable.

STATEMENT
"WACHTLER'S EVIL JUDICIAL EMPIRE"

1a. In the Estate of EUGENE PAUL KELLY ["Kelly Estate"], when the District Attorneys of Suffolk County and Westchester County refused to prosecute appellant, the criminal proceedings were undertaken by VINCENT G. BERGER, JR., Esq. ["Berger"], the political campaign manager of Surrogate ERNEST L. SIGNORELLI ["Signorelli"], who was designated as counsel for Public Administrator, ANTHONY MASTROIANNI ["Mastroianni"], a Signorelli appointee.

b. Berger had a large pecuniary interest in prosecuting appellant and thus compelling his silence.

c(1) Having failed to compel appellant to succumb to silence, and solely because of his appellant's efforts, Berger received from the Kelly Estate about ten percent (10%) of the sum he believed entitled, and only about thirty percent (30%) of his filed claim.

(2) Had appellant been advised or known about the post-trial proceedings before Hon. BURTON JOSEPH ["Joseph"], Berger would have received nothing -- zilch, and he and Mastroianni would have been substantial sums of money.

d. Likewise, through appellant's efforts, the other Signorelli-Mastroianni cronies and personal obligees had their larcenous claims drastically reduced.

e. However, because of the extent of the plundering activities of the Signorelli entourage, their other misconduct, including their, not appellant's, failure to pay federal taxes

and the penalties and interest imposed upon such failure, that the beneficiaries received nothing from the Kelly estate or Kelly trusts, once appellant had been removed and/or the trust assets seized.

2a. Without a trial or opportunity for same, and without any live testimony in support thereof, Signorelli convicted appellant, in absentia, and qua Sheriff, directed Deputy Sheriffs of Suffolk County to immediately travel to Westchester County, arrest him therein, had him brought back to Suffolk County and there had him incarcerated. Eventually appellant was released under a writ of habeas corpus, which was thereafter sustained.

c. The fabricated and contrived charge against appellant in this, and subsequent, contempt proceedings was that he failed to turn over to Mastroianni and/or Berger the books and records of the Kelly Estate, which were already in their possession.

To repeat -- as thereafter admitted by Signorelli, Mastroianni and Berger, the concocted criminal charges lodged against appellant was the failure to turn over books and records, which he had already turned over and were in their possession.

d. Signorelli, employing the clout of his judicial office, compelled the N.Y. State Attorney General to pursue a manifestly frivolous appeal, which he did. Although the Appellate Division affirmed the holding at nisi prius, it excoriated appellant for not turning over such "phantom" books

and records, and otherwise denigrated him (Sassower v. Signorelli, 65 A.D.2d 756, 409 N.Y.S.2d 762 [1978]).

3. In the interim, Berger instituted a second non-summary criminal proceeding against appellant based on the same contrived charge, which proceeding was eventually dismissed.

4a. Berger then commenced a third contempt proceedings, and while appellant was on trial in the Supreme Court, Bronx County, without any live testimony in support thereof, appellant was convicted, thereafter again arrested in Westchester County, and again dragooned back to Suffolk County where he was once again incarcerated.

b. When appellant's attorney-spouse and their daughter presented a writ of habeas corpus directing his immediate release on his own recognizance, instead of giving such release obedience, the Signorelli entourage, incarcerated them as well -- thereafter to be known as "The Saturday Night Massacre".

5a. In an lengthy disciplinary proceeding against appellant, Signorelli, Berger and Mastroianni admitted that this turnover of Kelly Estate books and records were a contrived hoax, since appellant had before the first contempt proceeding turned over the requested property and they were in the possession of the Signorelli entourage.

b. However Signorelli, Berger and Mastroianni, left the clear impression during the disciplinary hearings that they did not have the Kelly Estate books and records which were in the possession of Kelly's accountant, ALBERT BARANOWSKY

["Baranowsky"] over whom appellant admittedly had no control, and who had died shortly before the disciplinary hearings.

c. All disciplinary charges against appellant and his spouse were resoundingly dismissed -- 34 to 0 -- with leave granted to appellant's spouse to seek sanctions against the disciplinary committee for the institution thereof.

6. However, on appellant's appeal from the denial of his writ of habeas corpus on the third contempt proceeding, despite the absence of a corpus delicti [the wrongful possession of the Kelly books and records], double jeopardy prohibition [the disciplinary proceedings], a clear case of invidious selectivity, the matter was remanded for a hearing (Sassower v. Finnerty, 96 A.D.2d 585, 465 N.Y.S.2d 543 [2d Dept.-1983]).

7. Several special proceedings for writs of prohibitions based upon double jeopardy and invidious selectivity, all unopposed, were never determined by reason of the deliberate misconduct of Presiding Justice MILTON MOLLEN ["Mollen"] and the OFFICE OF COURT ADMINISTRATION ["OCA"], who never could find a jurist to adjudicate such unopposed writ applications.

8a. Presiding Justice Mollen, thereafter discovered as transactionally involved, as a "fixer", in "The Saturday Night Massacre", and in triggering the disciplinary proceedings against appellant and his spouse eventually appointed as Acting Supreme Court Justice and Acting Surrogate, BURTON JOSEPH, of Nassau County, who refused to give the disciplinary hearings, including

the admissions and confessions of the Signorelli entourage preclusive force and effect.

b. Judge Joseph simply could not fathom the idea that the Appellate Division would remand when the Signorelli entourage admitted and confessed that, except for the Baranowsky papers, they had the Kelly Estate books and records all the time.

c. The testimony by Berger and Mastroianni mirrored their testimony on the disciplinary hearings, including the admissions and confessions, however, in addition thereto, by happenstance it was disclosed they, at all times, had the Baranowsky books and records, as well.

d. The Signorelli entourage in not disclosing that they had not only the books and records of appellant, but also those held by Baranowsky, was a fraud of the first magnitude, upon everyone, including the all the courts and the disciplinary committee of the first magnitude.

e. Judge Burton, avoiding all issues, except the issue as to whether appellant constitutionally waived his right of presence by being actually engaged in a higher court at the time, held in the negative and the Signorelli entourage appealed.

f. Everyone, but everyone, who did not believe in the "tooth fairy" by such notice of appeal clearly recognized that Signorelli had a "fix" in the Appellate Division, Second Department, a "fix" which was recognized also in Sassower v. Signorelli (65 A.D.2d 756, 409 N.Y.S.2d 762).

9a. As a result of the evidence disclosed in these new hearings before Judge Joseph, including the fictitious claims

upon estates by those to whom Signorelli had personal monetary obligations, and the attempted fix by Presiding Justice Mollen, resulting in "The Saturday Night Massacre", appellant caused to be made additional filings with the COMMISSION ON JUDICIAL CONDUCT ["CJC"], in which Associate Justice ISAAC RUBIN ["Rubin"] was then a member.

b. In addition thereto, following the determination before Judge Joseph, and on November 6, 1986, or more than one year before the Order appealed from (People ex rel. George Sassower v. Sheriff, 134 A.D.2d 641, 521 N.Y.S.2d 536 [2d Dept.-1987]), appellant caused to be filed a complaint in the U.S. District Court for the Eastern District of New York (Docket No. 86 Civ. 3797), which in relevant part reads as follows:

> "GEORGE SASSOWER, individually and as trustee of the trusts created by EUGENE PAUL KELLY,and by his Estate, and those similarly situated, or to be benefited thereby,
>
> Plaintiff,
>
> -against-
>
> VINCENT G. BERGER, JR.; ANTHONY MASTROIANNI; Surrogate ERNEST L. SIGNORELLI; CHARLES Z.ABUZA; Hon. HARRY SEIDELL; RICHARD C. CAHN; ROBERT M. CALICA; MARTIN B. ASHARE; THE SURROGATE'S COURT OF THE STATE OF NEW YORK, COUNTY OF SUFFOLK; THE SHERIFF OF SUFFOLK COUNTY; Hon. SOL WACHTLER; Hon. JOSEPH W. BELLACOSA; Hon. MILTON MOLLEN, individually and on behalf of the APPELLATE DIVISION OF THE SUPREME COURT, SECOND JUDICIAL DEPARTMENT; Hon. MOSES M. WEINSTEIN; Hon.ISAAC RUBIN; and Hon. BURTON S. JOSEPH,
>
> Defendants. ...
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> AS AND FOR A FIRST CAUSE OF ACTION TO DECLARE NULL, VOID, AND OF NO EFFECT, ALL CRIMINAL CONTEMPT PROCEEDINGS AGAINST PLAINTIFF, AND AGAINST THOSE SIMILARLY SITUATED, WITHOUT PREJUDICE TO ANY CLAIM TO DAMAGES BY REASON OF SAME, AND TO COMPEL HON. SOL WACHTLER, HON. JOSEPH W. BELLACOSA, AND/OR HON. MILTON MOLLEN TO PROHIBIT, AND/OR BY APPROPRIATE REGULATIONS, TO STRICTLY CONTROL THE PRIVATE PROSECUTION OF NON-SUMMARY CRIMINAL CONTEMPT PROCEEDINGS SO AS TO CONFORM TO CONSTITUTIONAL STANDARDS.

2a. For almost ten (10) years, the petitioner and his family, have been harassed in bad faith by most of the defendants, the primary vehicle being three (3) non-summary criminal contempt proceedings issued from Surrogate's Court, Suffolk County, against the plaintiff, privately initiated, prosecuted, and controlled, as the lawful prosecuting authorities have refused to initiate or prosecute any criminal proceedings against the said plaintiff.

b. These non-summary criminal contempt proceedings, were all initiated and prosecuted on the knowingly false and perjurious assertions by VINCENT G. BERGER, JR., Esq. [`Berger'], the campaign manager of Surrogate ERNEST L. SIGNORELLI [`Signorelli'], and his client, ANTHONY MASTROIANNI [`Mastroianni'], the Public Administrator, who is appointed by the Surrogate, accusing plaintiff of having `wilfully refused to turn over the books and records of the ESTATE OF EUGENE PAUL KELLY [`Estate']', pursuant to a, `without notice', Signorelli ukase in March 1977, purportedly removing him as such executor.

c. Based upon admissions and confessions of the defendants, Signorelli, Mastroianni, and Berger, after about twenty (20) full days of hearings, in late 1981, wherein plaintiff was resoundingly vindicated, it was determined that immediately after plaintiff's notice to appeal to the Appellate Division, Second Judicial Department was dismissed, and leave to appeal from such `without notice' ukase denied, by that Court, and <u>before</u> the first contempt proceeding was initiated against him, plaintiff did, in fact, turn over all such books and records to Berger and Mastroianni.

d. Recently, in hearings held before the defendant, Hon. BURTON S. JOSEPH, who upon objection, ruled himself not bound by the 1981-1882 hearings and determination, confirmed by the Appellate Division, First Department, <u>independently</u> also found that plaintiff had turned over all of the Estate books and records <u>before</u> the first contempt proceeding.

e. Furthermore, by happenstance, during such recent hearings, it was discovered that since 1977 Mastroianni and Berger had in their actual possession the books and records of ALBERT BARANOWSKY [`Baranowsky'], the accountant for EUGENE PAUL KELLY during his lifetime, who had died prior to the 1981 hearings. These Baranowsky books and records were never in the possession or control of the plaintiff, and their possession by Mastroianni and Berger had heretofore been deliberately concealed from all courts

and judges, except Signorelli, and perhaps the defendant, Hon. HARRY SEIDELL [`Seidell'].

f. The findings in the extensive 1981 hearings, were also to the effect that despite the failure of Berger and Mastroianni to have the Baranowsky books and records, it did not prevent them from administering the Estate to its conclusion, a fact which they did not dispute at that time, or anytime thereafter.

g. Independently, Hon. BURTON S. JOSEPH came to the same conclusion, augmented and irresistibly compelled by the happenstance discovery that Berger and Mastroianni, since 1977, had in their possession and control the Baranowsky books and papers and other disclosures, not heretofore known.

h. Nevertheless, these criminal contempt proceedings, by these `self styled public prosecutors', and those associated with them, still continue unabated, on collateral issues, to wit., whether plaintiff intentionally waived his constitutional right of confrontation by being actually engaged in the midst of trial, in another court, where the 1978 perjurious accusation was and is that plaintiff `wilfully failed to turn over the Estate books and records'!

i. The entire harassing scenario, irresistibly compels the conclusion, never otherwise denied in recent years, that all these criminal contempt proceedings, and the related habeas corpus and disciplinary proceedings, are nothing but bad faith harassment, by nisi prius and the Appellate Division, Second Judicial Department [`App. Div. 2d'], not and never intended to adjudicate plaintiff's guilt, vel non, but to compel him to succumb; to keep silent about judicial misconduct; and/or to portray him as a pariah, not worthy of belief, so as to attenuate any public disclosures he made or might may desire to make.

3a. In the past ten (10) years, plaintiff has been a incarcerated victim five (5) times for non-summary criminal contempt; each time without a trial, although ministerially constitutionally compelled; each time without any pre-trial rights; each time initiated and controlled by private adversarial counsel; each time, without recognition that the private adversarial counsel had a duty to disclose exculpatory information; each time adversarial counsel being paid or intended to be paid from seemingly inexhaustible financial resources on a time basis; each time, not by a separate proceeding, but within the action or proceeding itself; each time by a jurist

constitutionally disqualified to preside on such contempt proceedings; and each time by a total disregard of all criminal due process and equal protection and other constitutional rights.

b. Additionally, since contempt prisoners, have their sleeping quarters in separate cell blocks, plaintiff has become, as a result thereof, very familiar with the histories of many other contempt 'victims', and can speak with some special authority on the subject.

c. In short the time has come for the defendants, Hon. SOL WACHTLER, Hon. JOSEPH W. BELLACOSA, and Hon. MILTON MOLLEN, and others in authority, to recognize that non-summary criminal contempt is a criminal proceeding, protected by the XIV Amendment of the U.S. Constitution, and must be administered accordingly, both at nisi prius and at the appellate levels, to conform to the 'supreme law of the land', which is not judicial corruption, judicial misconduct, and/or the concealment thereof, or intended to be employed to impair the constitutional right, if not obligation, of attorneys to speak about judicial misconduct, particularly when it affects their clients and trust, who they are duty bound to protect, with 'zeal'.

4a. There are special problems related to criminal contempt proceedings, some having received theoretical legal recognition, e.g., the higher standard for constitutional judicial qualification (In re Murchison, 349 U.S. 133, 136; Bloom v. Illinois, 391 U.S. 194, 202; cf. Aetna v. Lavoie, U.S. , 106 S.Ct. 1580, 89 L.Ed2d 823), but seldomly practiced, where judicial corruption or egregious conduct is involved.

b. Some special problems, peculiarly related to contempt proceedings, have not been recognized e.g., the complete unavailability of federal habeas corpus relief, prior to completion of the short term sentence; the general unavailability of a stay of incarceration, pending an appeal; and the right of attorneys to a jury trial, since it is considered a 'serious crime', according to the various rules of the Appellate Division.

5a. The invariable state practice is that non-summary criminal contempt is initiated and totally controlled by private counsel and/or a manifestly disqualified jurist (cf. Polo Fashions v. Stock Buyers, 760 F.2d 698 [6th Cir.], amicus invited, U.S. , 106 S.Ct. 565, 88 L.Ed2d 550), wholly uncontrolled by a constitutionally proper jurist or court (cf. U.S. ex

rel. Vuitton v. Klayminc, 780 F2d 179 [2d Cir.]), and never is there any procedure or recognition of basic criminal rights, even when demanded (cf. United States v. Agurs 427 U.S. 97, 106). Indeed, because of special factors, private adversarial counsel are more prone to, and do, resort to outright perjurious testimony and spurious documentation (Brady v. Maryland 373 U.S. 83) in such contempt proceedings.

b. In no case in which plaintiff is familiar with, reported or unreported, is there more than a glimmer of state recognition by bench or bar of the problems, constitutional or otherwise, involved (cf. People v. Sickle, 13 N.Y.2d 61, 242 N.Y.S.2d 34, concurring opinion, [at 65, 37]; Reed v. Sacco, 49 A.D.2d 471, 475, 375 N.Y.S.2d 371, 376 [2d Dept.]).

c. Indeed, few, if any private lay clients, would or could understand and tolerate being billed for investigating or disclosing information designed to exonerate, rather than convict!

6a. In short, the time has come when it must be recognized by defendants, Hon. SOL WACHTLER, Hon. JOSEPH W. BELLACOSA, and Hon. MILTON MOLLEN, that they must administratively promulgate rules and regulations so as to meet federal constitutional standards in non-summary criminal contempt proceedings.

b. The sentences, when convictions are obtained, are sufficiently short, the fines generally sufficiently meaningless, that extended judicial procedures, by appellate or collateral review, is an exercise in the academic, at high cost.

c. Furthermore, as will be shown herein, criminal contempt, where the judiciary is directly involved, is employed with its half-sisters, `attorneys' fees' and `injunctions', to infringe upon the constitutional right of free speech, access to the courts for relief, and is intended to, and does, abrogate and discourage a citizen's and attorney's obligation to report and/or expose judicial misconduct. ...

7. The underlying facts at bar, are set forth in some detail ...

a. From April 1976 to March 1977, by virtue of every one of numerous documents, plaintiff was recognized by everyone, including Signorelli, to be the executor of the Estate, documents which included Certified Copies of Letters Testamentary issued by Surrogate's Court, Suffolk County [`Surr. Ct.'] to him,

as late as March 14, 1977, a few days before plaintiff was declared to have been removed one (1) year before.

b. Plaintiff, during such intervening year, having found a prospective purchaser for the vacant Estate house, requested permission of Signorelli to enter into such contract. With no one having any objection, or having no other prospective customer, Signorelli, on the record, directed plaintiff to enter into such contract, which he did.

c. A few months later, on the eve of closing of title, and the prospective purchasers ready to move into this vacant house, without warning or notice to plaintiff, contrary to everyone's expressed desires, Signorelli declared that plaintiff had been removed as executor in March of 1976, or one (1) year prior thereto, declared the contract of sale as having been entered into by plaintiff as unauthorized, refused to permit the closing of title, and declared same null and void, except for whatever damages the prospective purchaser might obtain against plaintiff for such unauthorized act.

d. Signorelli, at the same time, totally ignored the designation of DORIS L. SASSOWER, Esq., as alternate executrix, and instead appointed Mastroianni, whose attorney was Berger, Signorelli's politician campaign manager.

f. Sassower thereafter, on one of his visits to Surrogate's Court, turned over to Mastroianni some of the documentation he had with him at the time, and on June 15, 1977, turned over to Berger the balance. The transcript of June 15, 1977, when both plaintiff and Berger were present, reveals professionalism by both of them, the lack of animosity, if not congenial cooperation.

g. During the week that followed, there was one letter from Berger to plaintiff, which did not evidence any gathering storm, and a telephone call from plaintiff to Berger's office, admittedly received, with an offer of aid, if needed.

h. On June 22, 1977, one week after the turnover had been completed, (1) without any accusation; (2) without any notice of a hearing or trial; Signorelli, (4) tried; (5) convicted; and (6) sentenced plaintiff to be incarcerated for thirty (30) days, all in absentia, for an alleged contempt, falsely asserted to have been committed in 'Signorelli's immediate presence' in not turning over the Kelly books

and papers, when in fact plaintiff was about one hundred (100) miles away at the time.

i. Albeit convicted and sentenced, the Warrant read that plaintiff was to be brought, not to the County Jail, but to Signorelli, for `plea' purposes.

j. The Signorelli entourage did not communicate with plaintiff to surrender, or request the local police authorities to arrest and detain him, to conform to usual practice and governmental economy, but instead had the Sheriff of Suffolk County [`Sheriff'], transgress his jurisdictional bailiwick, by immediately sending two Deputy Sheriffs to Westchester County, very early the following morning, in order to apprehend, arrest, and transport him directly to Signorelli.

k. The many requests by plaintiff to be permitted to present a hastily prepared Writ of Habeas Corpus in Westchester County, or any of the other counties that were passed as plaintiff was abducted to the Signorelli courthouse, were all refused.

l. Consequently, plaintiff demanded that he be incarcerated, as having been convicted and sentenced, so that he could obtain a Writ of Habeas Corpus, rather than be taken to Signorelli, where plaintiff correctly perceived he would not be allowed to present his writ for signature. Such requests to permit plaintiff to present his Writ were all refused.

m. At the Courthouse, plaintiff was kept incommunicado for some time, Signorelli refusing plaintiff's repeated requests that he be permitted to use a nearby public telephone, at his own cost and expense.

n. During the short judicial proceedings that followed, which was transcribed, although plaintiff considered Signorelli a warden, he was calm, but courteously firm in his insistence on either being given a hearing or given access to an appropriate jurist to have a writ of habeas corpus signed.

o. Except as a result of a favorable outcome at a hearing on the merits of the criminal contempt charge or by way of a writ of habeas corpus, plaintiff's freedom was not, in his view, the subject of barter or negotiation!

p. There is no one, known to plaintiff, who has read the aforementioned transcript, who has not

found that plaintiff's conduct, during such short hearing was correct, proper, and polite, albeit firm, on the contrary, about everyone, has found Signorelli's conduct to have been reprehensible, if not expressly, then sub silentio.

q. The following testimony, representing Signorelli's conduct, who was an Assistant Attorney for about ten (10) years; a former County Court Judge, for a similar period of time; and at a time given, an Acting Supreme Court Judge, speaks eloquently:

> "Hon. ALOYSIUS J. MELIA: That was not the question. The question was: Did you believe that he [George Sassower] had a right to advance the 5th Amendment and decline to answer the questions at the point that he interposed the 5th Amendment?
>
> SIGNORELLI: No, I believe he did not have that right."

r. Plaintiff's position as reflected in Berger's time sheets, for the first time produced during the recent hearings before Hon. BURTON S. JOSEPH, although previously demanded, reveals the following:

> "Atty. Sassower made no response except to cite the U.S. Constitution."

s. There is absolutely no support for the statement in Signorelli's sua sponte published diatribe of about nine (9) months later (Signorelli's Published Lie #16) that:

> "When he [George Sassower] persisted in his refusal to comply with the court's order, he was remanded to the Suffolk County Jail to serve his sentence." [emphasis supplied]

t. While plaintiff clearly chose to remain silent, Signorelli, Berger, and Mastroianni, solicited the attendance of a reporter from the Daily News, gave him a private interview in Signorelli's Chambers, and created public myths, inter alia, that plaintiff had possession of the Estate books and records, and that he unlawfully attempted to sell an Estate house, without authorization, and they conducted themselves in a manner that no ethical prosecuting attorney would or should.

8a. At all times, from the moment to arrest until the hearings in 1981, plaintiff, albeit clearly

innocent, always asserted his 5th Amendment rights, when those rights were legally available.

b. Signorelli, Berger, and Mastroianni, on the other hand, improperly sought out and inundated and polluted every available forum, including the media, with false, misleading, and prejudicial statements. These self created myths, by default, reached monstrous proportions, and a deficient, if not, corrupt administration of justice, including at App. Div. 2d., continued to perpetuate their existence, in an attempt to conceal Signorelli's misconduct.

c. The burden for paying for such improper and prejudicial statements, and this Captain Ahab pursuit of plaintiff and his family, has fallen upon the modest Kelly Estate and the modest Kelly Trusts in New York County, to the point where both Estate and Trusts have been almost completely exhausted, and where the intended beneficiaries will receive just about nothing, except for those sums that plaintiff has heretofore distributed to them.

d. The Kelly Estate and the Kelly Trusts are `persons' within the meaning of the XIV Amendment of the U.S. Constitution, held and/or administered under `color of law', entitled to due process and equal protection of the law, is an undisputed legal proposition, but in the `Signorelli fiefdom' they are nothing but `judicial fortune cookies', the sincere efforts of Hon. BURTON S. JOSEPH to the contrary notwithstanding, intended to advance Signorelli's personal career or conceal his misconduct.

e. In fact, these and other helpless `constitutional persons', these `judicial fortune cookies', and those like plaintiff, who seek to protect them, the facade of the courthouses read `Abandon all hope ye who enter here'!

f. These `helpless constitutional persons', need to be protected from their `judicial constables', the courts, their appointees, their administrators, with their insatiable appetites, more than from third parties.

g. Courts, judges, surrogates, and their appointees, who plunder or misuse judicial trust assets, and those who conceal such misconduct, employing their own official office for that purpose, are engaged in criminal conduct, and give "thieves for their robbery ... authority, when [judicial appointees plunder or] steal (Shakespeare's Measure for Measure, 2:02, 175), or at least a proposition that one should

be able to legitimately assert without judicial punishment, in a society protected by the U.S. Constitution.

h. The judicial charade that followed, at enormous judicial and government expense, purportedly searching for 'phantom' books and records, must nevertheless continue, without abatement, because an unpoliced judicial system must keep alive monster myths, that it itself created, in the hope that plaintiff will eventually succumb from total exhaustion.

i. The only proper and appropriate method of terminating this seemingless endless pursuit, is for its public and official destruction of the myths and those who created them, and a judicial machinery which will prevent its reoccurrence, in any other comparable situation.

9a. It should not have taken any American jurist, no more than a few seconds to recognize that such 'no accusation', 'no notice', 'in absentia trial, conviction, and sentence', was jurisdictional and constitutionally defective, in its most quintessential aspects.

b. In any civilized system of law and justice, Signorelli would, and should have, been denounced as a 'tyrannical lunatic', and brought to the 'bar of justice' for his aforementioned misconduct.

c. Instead it was the plaintiff, the victim, who was caused to suffer about five (5) days of habeas corpus hearings in 1977, and denunciation by the Appellate Division.

d. For five (5) days, the plaintiff, at his own cost and expense, had to go to Suffolk County, spend four (4) days at trial, with the concomitant expense of the state and county, since the County Attorney and the Attorney General was caused to participate therein.

e. A five (5) day judicial charade, when everyone knew, including the County Attorney and the Attorney General's Office, from the very outset, that this Writ had to be eventually sustained, only to find some excuse to conceal Signorelli's barbaric conduct, and that of his designees, and to further victimize the victim.

f. This habeas corpus proceeding was only terminated, and the writ sustained, because plaintiff

insisted that Signorelli be compelled to testify, and a federal judge gave a 'gun to the head' message to the state jurist.

g. Signorelli, contrary to the vehement position of the Attorney General, his attorney, then employed the clout of his official influence, to have an appeal taken, at government expense, on an issue wherein everyone conceded its total absurdity and frivolity.

h. Signorelli, contended that the 800 hundred year old writ of habeas corpus ad subjiciendum, was not available to the incarcerated plaintiff. Instead, plaintiff, while incarcerated, should have moved to vacate a 'phantom' default, and if denied, appeal therefrom.

i. The App. Div. 2d knew, as does every jurist, and indeed prisoner, that in a habeas corpus proceeding, whether the incarcerated victim be 'saint' or 'sinner' is irrelevant, they are both entitled to their basic procedural constitutional rights by one having the jurisdictional power to incarcerate or detain.

j. Instead of labeling Signorelli, as having tyrannically usurped jurisdictional power and authority, and having violated, in every respect, plaintiff's federal constitutional rights, which would have been proper and correct comment, that appellate court gave hospitality to portions of the Signorelli dictated Daily News article and his sua sponte diatribe, both of which have been shown to be false, fabricated, contrived, and misleading, in every respect.

k. Thus, the Signorelli myths gained respectability, and plaintiff was labelled a pariah, which was to infect all subsequent proceedings, contempt or otherwise!

l. Significantly, the Appellate Division, in prejudicially making false statement of facts, which were not in the record, while recognizing that new contempt proceedings were pending, improperly polluted the judicial tribunals thereafter called upon to adjudicate the issues (Sassower v. Signorelli, 65 A.D.2d 756, 409 N.Y.S.2d 762 [2d Dept.]).

10a. The Baranowsky books and records having been transmitted to Mastroianni by the District Attorney of Suffolk County, according to Berger at the

trial before Hon. BURTON S. JOSEPH, it must have been in or about July 1977.

b. Consequently, such information was concealed from Hon. GEORGE F.X. McINERNEY, during His Honor's four (4) day habeas corpus proceeding, and every court and judge thereafter.

c. The Baranowsky books and records should have, by themselves, revealed that plaintiff was not withholding any essential financial books or records with respect to either the Estate or the Trusts.

11a. With the District Attorneys of Suffolk and Westchester Counties refusing to charge or prosecute plaintiff for contempt or any other crime or misconduct, Berger, at the cost and expense of the Estate, the 'helpless constitutional person', on behalf of himself, Signorelli and Mastroianni, undertook an unbridled course of harassment against the plaintiff and his family.

b. A second criminal contempt proceeding against plaintiff was undertaken, again with the perjurious assertion that plaintiff had 'wilfully refused to transmit the Kelly books and records', which prevented the administration of the Kelly Estate.

c. This second criminal contempt proceeding, at Estate expense, clearly intended to produce a default, was dismissed, for technical reasons.

d. It soon became obvious that the factual charges against plaintiff were false and contrived, clearly intended to harass plaintiff so as to conceal the inability of the Signorelli entourage in selling the Estate vacant house, except to the same person, at the same price, and to have the Estate plundered by those, who would advance Signorelli's political career.

e. It was also clear that while the judiciary would not hesitate to abort and expose any misconduct of Congressman or President Signorelli, but as a Surrogate Signorelli, every attempt would be made to conceal his misconduct.

12a. In February, 1978, Signorelli's recusal was compelled by a proceeding in federal court, and Signorelli was permitted to recuse himself, 'french style', rather than by an Order of the federal court.

b. Such 'act of recusal', was by a 'last hurrah', a sua sponte diatribe, dated February 24,

1978, published in the New York Law Journal as a `Decision and Order', but which in fact decided nothing, and ordered nothing!

c. It was a treacherous document, which inter alia designated Presiding Justice MILTON MOLLEN, as his `personal messenger of death', a position which the Presiding Justice accepted.

13a. Significantly, plaintiff's application to have the documents and records in Surrogate's Court preserved, since plaintiff correctly perceived that they would be pruned and destroyed, was met with a federal judicial response which alluded to a cartoon concerning a psychotic.

This same judicial response was made when plaintiff complained that he had the `feeling' he was being followed, which thereafter, upon obtaining copies of the records of the Suffolk County Sheriff's Office, proved to be a understated truism.

b. With such relief intended to protect the integrity of judicial documents, not even being considered, about twenty-five (25) documents, all exculpatory, were pruned and destroyed in preparation for the Disciplinary Hearings, by the Signorelli entourage.

c. Since the destruction by the Signorelli court was `keystone cops fashion', it caused Signorelli and his court to be `hoisted by their own petard' as they simply had forgotten that prior to the pruning and destruction operation, they had given copies of some of such documents to the Grievance Committee.

d. During the hearings before Mr. Justice BURTON S. JOSEPH, the destruction or secretion of official records had reached a level of about ninety percent (90%), but here again, the Signorelli entourage was `hoisted by their own petard', since they forgot to alter the Index Cards to conform to such criminal act.

e. The point is that in litigation wherein the involved parties are the courts or some of their jurists, their ability to create and fabricate judicial operative facts, and prune and destroy exculpatory documents, almost at will, and with complete impunity, creates some special problems in a judicial system, which has as one of its purposes the concealment of judicial misconduct.

14a. It is the third, 1978, criminal contempt proceeding, which clearly reveals an attempt to harass,

in bad faith, not only by Signorelli, Berger, Mastroianni, Seidell, but by the Appellate Division, as well!

b. Judicial misconduct and outright corruption, must be concealed, by the judicial hierarchy, at all cost and expense, seem to be `the coins of the judicial realm'.

c. There were isolated attempts by individual jurists to otherwise chart the judicial course, but they proved in the totality of the picture, ineffectual and insignificant.

15a. The scenario in Surrogate's Court, had become clearly established, even prior to the third, 1978, criminal contempt proceedings, based again, on this `wilful' failure to turn over books and records, which prevented the administration of the Kelly Estate.

b. The scenario in Surrogate's Court was generally as follows: When plaintiff was hospitalized; or paralyzed; or in the Court of Appeals; or in the Appellate Division, Second Department; or in the Appellate Division, First Department; or in Supreme Court, Queens County, or on elsewhere on trial; or Ms. Sassower was elsewhere engaged, defaults were taken.

c. When plaintiff was present, little, if anything was accomplished.

16a. Instructively and thereafter significant, was when plaintiff was `directed' by Signorelli to return the next day, plaintiff, on the record, advised Signorelli that he was to be actually engaged in the Appellate Division.

b. When Signorelli is involved, he simply does not concern himself with previous engagements in other or higher courts!

c. With clear knowledge that plaintiff was engaged in the Appellate Division, a statement made on the record, in the presence of Berger, Mastroianni, and others, by pretext, again attempting to needlessly involve Ms. Sassower, Berger telephoned her ostensibly to determine plaintiff's whereabouts.

d. As it appears in the published Signorelli diatribe (Signorelli Published Lie #27), the incident is described as follows:

> "Petitioner [plaintiff] failed to appear in court the following day, and a

telephone call was received by the court from the petitioner's [plaintiff's] wife, an attorney and his former counsel in this estate. She stated that [George] Sassower could not appear because he was in the Appellate Division on another matter ..."

e. Being actually engaged in a higher court, is not a 'failure to appear', particularly when Signorelli was advised beforehand of such engagement, and it was Berger who initially telephoned Ms. Sassower, and not the reverse. The published inversion so as to make it seem that this was the first and unexpected notice of such engagement.

f. Simply stated, Signorelli had deliberately scheduled a matter to take place in Surrogate's Court, for a day, that he actually knew that plaintiff would be elsewhere engaged, and would describe the incident as a default or a failure to appear!

17a. Having been compelled to disqualify himself, the defendant, Seidell, was designated to preside at the third contempt proceeding in 1978 -- still purportedly to compel the turnover of 'phantom' books and records.

b. Signorelli assured himself that Seidell would be properly prejudiced in this criminal contempt proceeding, by personally sending him a copy of his sua sponte diatribe.

c. Plaintiff was given about one week's mail notice of such contempt hearing, which was set for March 7, 1978.

d. To maximize the probabilities that plaintiff would not be able to attend because of conflicting engagements, he was not consulted beforehand about such date.

e. Plaintiff knew at the time that Mastroianni was unable to sell the Estate vacant house, except to the purchaser with whom plaintiff had signed a contract, more than one year previously; that such purchaser refused to pay any more than that previously contracted; that on this non-income producing property, Mastroianni from the Estate was paying taxes, insurance, and other maintenance expenses; and that they had all the books and papers necessary to terminate and close the Estate.

18a. The published Signorelli diatribe of February 24, 1978, wherein Signorelli made Presiding Justice MILTON MOLLEN, his `personal water boy', made it a point of no return for all concerned, and led to the `Saturday Night Massacre' about four (4) months later.

b. In addition to writing complaint letters to the District Attorneys of Suffolk and Westchester Counties, and about everyone else, in June-July of 1977, Berger had registered a complaint with the Disciplinary Committee.

c. As with every other complaint, plaintiff had very adequately answered, and such answer waited a reply from Berger, which he could not even tender. The complaint was consequently waiting for a routine burial.

d. The sua sponte Signorelli published diatribe was nothing more than a disciplinary complaint, against plaintiff and Ms. Sassower, which should have been privately transmitted to the Grievance Committee, but was instead, simultaneously with publication, was sent by Signorelli, to Presiding Justice MILTON MOLLEN. Presiding Justice MILTON MOLLEN, forwarded it to the Grievance Committee, with a copy of a gracious letter of `thanks' to Signorelli, with `assurance that appropriate action will be taken'.

e. The Presiding Justice, blundered incredibly, for instead of sending Signorelli a gracious letter, His Honor should have chastised him for his blatant violation of Judiciary Law §90[10]; advised Signorelli that since His Honor would possibly be thereafter placed in a position to adjudicate such disciplinary proceedings, and he should not have been sent a copy of such complaint; and furthermore, His Honor's office was not intended to be a post office drop box for the Grievance Committee.

f. A complaint sent to the Grievance Committee from the Presiding Justice of `The Citadel', is realistically not treated as a complaint from Berger or a lay person. It was not received and closed, as being without merit, but treated as a ukase to prosecute and persecute.

g. The Signorelli diatribe, was now to become a jihad at the Grievance Committee, having priority over everything and anything, without any regard to time and expenditures of judicial monies. The allocated budget of the Grievance Committee, was, on information and belief, for several years, and for the

first time, found to have been exceeded, and additional appropriations had to be made.

h. Against this vast expenditures, plaintiff and Ms. Sassower, two private attorneys, of limited means, had to do battle.

i. When it was all over, the resounding score was 34-0, with leave given to Ms. Sassower to seek sanctions against her prosecutors.

j. While it may have been a personal and professional victory for plaintiff and Ms. Sassower, it was also a resounding victory for the attorneys for the Grievance Committee, who when they recognized facts to be otherwise then as contended, they simply threw in the towel, when not restrained by Signorelli personally from otherwise acting, and the Grievance Committee made no attempt to conceal exculpatory information, to the extent it possessed same.

k. The financial drain caused to plaintiff was also readily recognized by the Grievance Committee, as they permitted him free access to the tremendous transcript, which he did not have to independently purchase.

l. The point is there is a constitutional difference and distinction between a criminal or quasi-criminal proceeding controlled by ethical public prosecutors, and those controlled by private attorneys and parties who have a civil interest in the matter. In other words criminal or quasi-criminal prosecution by adversarial civil parties, is not due process in its constitutional sense!

19a. One only needed one eye to recognize that with the vacant house still in the Estate, the fictitious criminal contempt proceeding was a loaded time bomb, ready to explode in the faces of the Signorelli entourage once a hearing was held. Unquestionably, Berger and Mastroianni never intended to hold any hearings, but needed a scapegoat, and diversionary issues.

b. Consequently, with actual knowledge from Ms. Sassower's telephone call, and plaintiff's affidavit of actual engagement in another court, Seidell, Berger, and Mastroianni, caused to be entered the second criminal conviction for non-summary criminal contempt <u>in absentia</u>, and sentenced Sassower to be incarcerated once more for thirty (30) days.

c. The documents exposed during the hearings before Hon. BURTON S. JOSEPH, reveals that there can be no doubt that both Seidell and Berger, had actual knowledge that plaintiff, being engaged on trial in another court, as a matter of law, did not constitutionally waive his right of confrontation.

d. Plaintiff could not have any possible fear for such hearing, since he had clearly turned over the Estate books and records, eons before. It was Berger and Mastroianni who did not desire such hearing, and never intended to have same had plaintiff been able to appear.

20a. The events of March 7, 1978 are academic, since whether plaintiff waived his constitutional right of confrontation or not, the conviction cannot stand, as having been procured by a perjurious accusation (Brady v. Maryland, supra). Nevertheless, they are relevant as evidence of an attempt to harass, in bad faith, rather than to adjudicate guilt.

b. The essential facts surrounding the events of March 7, 1978, are without dispute.

c. Plaintiff was scheduled to try Green v. Green in Supreme Court, Bronx County on March 6, 1978, and a case in Civil Court, Kings County on March 7, 1978, when he received notice of the hearing scheduled for March 7, 1978.

d. It developed thereafter that the case in Civil Court, Kings County would not be settled, consequently plaintiff prepared an affidavit of actual engagement. When the proceeding in Supreme, Bronx was not concluded on the 6th, as expected, plaintiff simply endorsed, his already prepared affidavit of engagement, so as to reveal his continued engagement in Supreme Court, Bronx County.

e. Notwithstanding actual knowledge that plaintiff was engaged on trial in Bronx County, Seidell signed an Order convicting, in absentia, plaintiff of non-summary criminal contempt, and sentenced him to be incarcerated for thirty (30) days.

f. When the powers in Suffolk County refused to vacate such conviction, and have a trial on the merits, plaintiff offered to surrender at a time convenient to the Sheriff of Suffolk County, at Supreme Court, Westchester, Bronx, or Manhattan, so that plaintiff could obtain an immediate Writ of Habeas Corpus.

g. Instead of accepting plaintiff's offer to surrender, the Sheriff of Suffolk County made numerous and expensive forays into Westchester, Manhattan, and Brooklyn, in an attempt to disparage plaintiff by purportedly seeking to arrest him, as a `fugitive from justice', when in fact they had no such immediate intention.

h. These forays by the Sheriff of Suffolk County and a private party hired at Estate expense, were intending to harass plaintiff and his family, by calling upon neighbors, and others, pretending they desired to apprehend plaintiff a `fugitive from justice'!

i. Such visits to neighbors had a dramatic adverse effect on plaintiff's family, especially on plaintiff's youngest school child, since now her father was a `fugitive from justice' in the eyes of her young classmates.

j. Plaintiff commenced a proceeding to restrain the Sheriff of Suffolk County from transgressing his jurisdictional bailiwick, whereupon one early Saturday morning, after following plaintiff until he was alone, they apprehended him and abducted him back to Suffolk County.

k. When plaintiff attempted to obtain the attention of the New Rochelle police, while being abducted to Suffolk County, an altercation ensued, and with plaintiff handcuffed, the claim was made that he had assaulted one of two Deputy Sheriffs, causing his hospitalization and an extended sick leave.

l. This led to a subsequent assault upon a police official criminal charge, which was thrown out, simply because the Deputy Sheriff had no official status in Westchester County.

m. When Ms. Sassower learned of such abduction, she obtained a Writ of Habeas Corpus from Mr. Justice ANTHONY J. FERRARO, directing the release of plaintiff on his own recognizance, and with their middle daughter they went to Suffolk County Jail, presented such Writ, and instead of releasing plaintiff as ordered, Ms. Sassower and their daughter were also incarcerated. Their incarceration being without food, water or bathroom facilities.

n. While all three (3) Sassowers were incarcerated, an attempt was made to have Mr. Justice ANTHONY J. FERRARO modify his Writ, on information and

belief, through the personal intervention of Presiding Justice MILTON MOLLEN. Mr. Justice FERRARO stood fast, and after Mr. Justice FERRARO read the 'riot act' to the officialdom in Suffolk County, all three were eventually released.

o. With the Writ properly pending in Westchester County, by ex parte communication, the proceeding to Suffolk such Writ, compelling the plaintiff appealed.

p. All attempts, at all times, to have the ultimate issue of the merits of the contempt proceeding adjudicated, rather than engage in a judicial procedural dance, both before the appeal and after its appellate disposition, were always opposed, although there was never was any issue on the fact that plaintiff was actually engaged in Supreme Court, Bronx County, on March 7, 1978. ...

s. With everyone, without exception, conceding that plaintiff was engaged as aforementioned, or not having any evidence to the contrary, both at nisi prius or the Appellate Division, and with the Appellate Division having actual knowledge, that plaintiff turned over these books and records about nine months before such contempt proceeding, the irresistible conclusion is that the Appellate Division, was and is also intending to harass, and to disparage plaintiff's credibility, by its published disposition and opinion.

t. If the Appellate Division had any doubt about plaintiff's actual engagement, albeit its undisputed nature, a telephone call or communication to Mr. Justice DiFede or the Administrative Judge could have simply resolved the issue, rather than remand it for a hearing (Johnson v. Zerbst, 304 U.S. 458, 464; People v. Parker, 57 N.Y.2d 136, 454 N.Y.S.2d 967; People v. Trendell, 61 N.Y.2d 728, 472 N.Y.S.2d 616).

u. Thus, now, eight years later, the judiciary and officials in the Second Judicial Department, are still avoiding any trial of the contempt proceeding, on the merits, based upon this 1978 manifestly perjurious accusation! It is a trial which plaintiff now desires, and one which must be conducted according to law, including a 'trial by jury', since for plaintiff it has collateral consequences as a 'serious crime'; this trial must have a constitutionally acceptable prosecutor; exculpatory disclosures, and plaintiff's full panoply of legal rights.

v. Unless there is, at the minimum, a sworn assertion by anyone that there is a scintilla of evidence, that plaintiff constitutionally waived his confrontation rights, plaintiff's 1978 writ must be sustained, as a matter of law, the bad faith harassing Order of the Appellate Division to the contrary notwithstanding!

c. Appellant has still not completed his term of incarceration and his arrest remains outstanding.

POINT I

A CONVICTION WHERE ADMITTEDLY THERE IS NO CORPUS DELICTI LACKS DUE PROCESS.

A criminal conviction, resulting in incarceration, for a constitutionally protected crime (Bloom v. Illinois, 391 U.S. 194 [1968]), where the prosecutors themselves admit the crime is non-existent, is manifestly in violation of the due process clauses of Amendment XIV of the U.S. Constitution and Article 1, §6 of the N.Y. State Constitution (cf. In re Winship, 397 U.S. 358 [1970]).

POINT II

A PROSECUTION BY ONE HAVING A SUBSTANTIAL MONETARY INTEREST IN THE CONVICTION LACKS DUE PROCESS.

1. Berger, personally, had a very substantial monetary interest in compelling appellant's conviction and silence, and therefore any criminal prosecution by him was unconstitutional, void, professionally unethical and lacked due process (Tumey v. Ohio, 273 U.S. 510 [1927]).

Although appellant's complaint federal complaint, which included, Chairman Wachtler, Chief Administrator Bellacosa and Presiding Justice Mollen, as defendants, was filed six months before to the opinion in Young v. U.Y. ex rel Vuitton (481 U.S.

787 [1987]), the U.S. Supreme Court essentially concluded as appellant argued beforehand.

However the opinion of the Appellate Division was about six months after the U.S. Supreme Court opinion and ignored same.

2. Appellant also correctly predicted the holding in Blanton v. City of No. Las Vegas, 489 U.S. 538 [1989]), although appellant had been disbarred for similar trialess convictions, and exposing the larceny of judicial trust assets, which the Chairman Wachtler Judicial Empire labels as "frivolous" litigation (Grievance Comm. v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987], appeal dismissed 70 N.Y.2d 691, 518 N.Y.S.2d 964, 512 N.E.2d 547 [1987]).

POINT III

A CONVICTION UNSUPPORTED BY LIVE TESTIMONY IS UNCONSTITUTIONAL, UNLAWFUL AND VOID.

1. Appellant is unaware of any authoritative case, in any civilized society, excepting New York, where a person can be convicted and incarcerated without any live testimony in support thereof, whether the accused appears or constitutionally waives his confrontational rights, and such without live testimony conviction lacks due process (Klapprott v. U.S., 335 U.S. 601 [1949]) and is void.

POINT IV

THE APPELLATE DIVISION, SECOND JUDICIAL DEPARTMENT HAD A GENERAL BIAS DISQUALIFICATION, and IN PARTICULAR WAS PANEL MEMBER ISAAC RUBIN DISQUALIFIED.

1. As, inter alia, a trustee appellant had a professional responsibility to protect his client with "zeal",

and under pains of disciplinary proceedings to "whistle blow" (Code of Professional Responsibility DR 1-103).

Associate Justice ISAAC RUBIN ["Rubin"], as a member of CJC, was aware of the misconduct of not only Signorelli, but also that of Presiding Justice Mollen.

With gruesome details, the CJC was advised of the activities of Signorelli and Presiding Justice Mollen, as appellant became aware of them, both as triggering the disciplinary proceedings and "The Saturday Night Massacre".

Consequently, there existed in this matter a general bias by the Second Department (Robinson v. State, 806 F.2d 442, 450 [3rd. Cir.-1986]), which constitutionally compelled recusal by the entire bench of that Court.

2. Having Mr. Justice Rubin, who was not only privy to appellant's complaints at CJC, but also a defendant in the prior federal action, was an affront to constitutional values and mandate (Aetna v. Lavoie, 475 U.S. 813 [1986]).

3. Appellant could not be punished for lawfully obeying his legal responsibilities (Holt v Virginia, 381 U.S. 131 [1965]), by reporting on judicial misconduct.

4. Obviously, in even attempting to appeal the determination of Judge Burton, the respondent knew that the Appellate Division, Second Department had been "fixed" and "corrupted".

5a. The facts, as recited by the Appellate Division, have no relationship to reality, which simply adds another level of misconduct to that tribunal.

b. The purpose of the determination was to denigrate, discredit appellant and immunize the judiciary.

POINT V

THE STATUTORY SCHEME IS UNCONSTITUTIONAL

1. The statutory scheme wherein for certain counties, including Suffolk (Unconsolidated Laws, Chapter 81, §1) wherein the Surrogate appoints the Public Administrator and then approves from the estate assets the claims of those who have purportedly performed services for the estate on behalf of the Public Administrator is unconstitutional, as violative of due process, particularly where the surrogate and/or the public administrator have monetary obligations to those appointed (U.S. Constitution, Amendment XIV; N.Y. State Constitution, Art. 1, §6; Tumey v. Ohio, 273 U.S. 510 [1927]).

2. The statutory scheme which permits members of CJC to hear and determine cases which were made the subject of complaint before that tribunal is also unconstitutional, as violative, inter alia, the First Amendment of the U.S. Constitution and Article 1, §9 of the N.Y. State Constitution.

3a. Obviously, no person will petition the CJC, as is a constitutional right (N.Y. State Constitution, Article 6, §22), if such petitioner finds a member thereof, sitting as a jurist in the matter.

b. Unquestionably, the obligation of Mr. Justice Rubin and Mr. Justice WILLIAM C. THOMPSON ["Thompson"] to their corrupted high-echelon colleagues is superior to their oath of office and the U.S. Constitution.

POINT VI

APPELLANT WAS ENTITLED TO A WRIT OF PROHIBITION and/or A HEARING ON HIS PLEAS OF DOUBLE JEOPARDY and INVIDIOUS SELECTIVITY

1. Mr. Justice Mollen and OCA physically jettisoned appellant's several petitions for a Writ of Prohibition based on double jeopardy and invidious selectivity into the Hudson River aeons ago, and all courts have ignored those pleas in his filed answer.

2. Damage liability is clear, (Forrester v. White, 484 U.S. 219 [1988]), however in the Wachtler judicial forums, access is unobtainable.

CONCLUSION

THE AFOREMENTIONED OUTRAGE SHOULD BE REVERSED.

Dated: April 1, 1991

Yours, etc.,

GEORGE SASSOWER
Appellant.
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