In The

SUPREME COURT OF THE UNITED STATES
October Term, 1986

No.

GEORGE SASSOWER, individually and on behalf of PUCCINI CLOTHES, LTD., a helpless judicial ward, and HYMAN RAFFE, a judicial hostage,

Petitioners,

-against-

Hon. STANLEY HARWOOD, a Justice of the Supreme Court of the State of New York, County of Nassau; and Hon. LAWRENCE N. MARTIN, JR.; and Hon. ALDO A. NASTASI, Justices of the Supreme Court of the State of New York, County of Westchester,

Respondents.

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Rule 43 Application

Oral Argument Imperative

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

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

1a. This affidavit is in support of a Rule 43 application to Honorable THURGOOD MARSHALL, as Circuit Justice, for the Second Circuit, for (1) summary reversal of the Orders in the within proceedings, wherein the Appellate Division, Second Department, denied relief to the petitioners, and the Court of Appeals of the State of New York, held there was no substantial constitutional question involved; (2) together with any other, further, and/or different relief as to His Honor may be just and proper in the premises.

2a. The annexed petition, dated April 13, 1986 (without exhibits), vividly demonstrates that the constitutional right of "persons" and "citizens" to "access to the courts" for relief is being denied, by reason of in terrorem tactics by a few corrupt members of the state judiciary, in order to advance the criminal activities of some influential law firms and their clients.

b. Simplified, they have up-dated the in terrorem tactics discussed in Cotting v. Godard (183 U.S. 79, 100-102) to vertiginous heights, as innocent people are convicted and incarcerated, without benefit of trial; criminal extortion is practiced in the courthouse; and herculian fines and penalties are routinely imposed.

c. Since the date of the petition, conditions have deteriorated still further.

3a. The respondents are good, honest judges, and along with other jurists, have simply capitulated to the corrupt and unconstitutional tactics of Mr. Justice IRA GAMMERMAN, Referee DONALD DIAMOND, and Administrator XAVIER C. RICCOBONO.

b. Mr. Justice IRA GAMMERMAN, based on his "phantom", no-notice, no-nothing, ukases dragoons actions and proceedings wherein he is a named defendant, respondent, or co-conspiring essential witness, to himself, and the "good judges" obey, rather than "blow the whistle".

c. In short, the "machinery of justice" is being held hostage by corruption and corrupt activities.

4. It is for His Honor to summarily fashion the relief which Congress attempted by the enactment of §1983, when private parties obtained control of the "machinery of justice", or so deponent believes.

WHEREFORE, it is respectfully prayed that this application be granted in all respects.

GEORGE SASSOWER

Sworn to before me this
22nd day of September, 1986

LAMBERT J. METZGER
Notary Public, State of New York
No. 4852367
Qualified in Westchester County
Commission Expires Feb. 18, 19 87

SUPREME COURT OF THE STATE OF NEW YORK
APPELLATE DIVISION : SECOND JUDICIAL DEPT.

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In the Matter of the
Application of
GEORGE SASSOWER, individually and on behalf of PUCCINI CLOTHES, LTD., a helpless judicial ward,
and HYMAN RAFFE, a judicial hostage,
Petitioners,

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Hon. STANLEY HARWOOD, a Justice of the Supreme Court of the State of New York, County of Nassau; and Hon. LAWRENCE N. MARTIN, JR.; and Hon. ALDO A. NASTASI, Justices of the Supreme Court of the State of New York, County of Westchester,
Respondents.

For an Order pursuant to Article 78 of the CPLR

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT OF THE STATE OF NEW YORK : SECOND JUDICIAL DEPARTMENT

The petition of GEORGE SASSOWER, Esq., individually and on behalf of others intended to be benefited thereby, including PUCCINI CLOTHES, LTD. ["Puccini"], a helpless judicial ward, and HYMAN RAFFE ["Raffe"], a judicial hostage, respectfully shows this Court and alleges:

1a. Pending before the respondent, Hon. STANLEY HARWOOD, in Supreme Court, Nassau County, is a proceeding wherein Raffe, as petitioner, seeks to satisfy a judgment that he has against the respondent, EUGENE DANN ["Dann"], in the principal sum of $316,950.57.

b. In that proceeding, Raffe, since the commencement thereof in 1980, has been and still is represented by petitioner, GEORGE SASSOWER, Esq. ["Sassower"].

c. There has never been any executed stipulation changing or substituting attorneys; there never has been any request that a stipulation to change or substitute attorneys be executed; nor has there ever been any order of any court providing for such change or substitution (see e.g., Moustakas v. Bouloukos, 112 A.D.2d 981, 492 N.Y.S.2d 793 [2d Dept.]).

d. Indeed, of the several applications made by IRA POSTEL, Esq. ["Postel"] in Supreme Court, New York County, to represent Raffe, none -- not one -- have been granted!

e. Postel's sworn testimony that he made a cross-motion in Supreme Court, Nassau County to substitute Sassower, was thereafter admitted to have been false!

2a. Raffe, the petitioner therein, is and was a resident of Nassau County, as are the respondents therein, Dann and his wife. The other respondents therein are not New York State residents. Thus, based on residence, the proceeding presently pending before respondent, Hon. STANLEY HARWOOD, was mandated to be brought in Nassau County (CPLR §503[a]).

b. The proceeding by Raffe against Dann, his wife, and others, involves real property located in Nassau County, on which a lis pendens was placed. Thus, based on the situs of the real property, the proceeding before Hon. STANLEY HARWOOD, had to be brought in Nassau County (CPLR §507).

c. The proceeding pending before the respondent herein, Hon. STANLEY HARWOOD, is based on the enforcement of the aforementioned judgment, pursuant to Article 52 of the CPLR. The statute requires such "enforcement of money judgment" proceedings take place in Nassau County (CPLR §5221(a)[4]).

d. In short, -- as a matter of multiple statutory mandates, the proceedings before Hon. STANLEY HARWOOD, had to be brought in Nassau County, and no other county!

e. The respondent, Hon. STANLEY HARWOOD, is, by the "non-waivable" provisions (22 NYCRR §202.1[b]) of "random selection", the "assigned judge" (22 NYCRR §202.3[b]) in that proceeding.

f. Significantly, as the papers before Hon. STANLEY HARWOOD reveal, the proceedings before His Honor have irresistible merit, and its success inures to the benefit of all parties therein (respondents, as well as Raffe).

g. Although the proceeding pending in Nassau County is intended to benefit all the parties, petitioner, as well as respondents, therein, it is contrary to the interests of NACHAMIE, KIRSCHNER, LEVINE, SPIZZ & GOLDBERG, P.C. ["NKLS&G"], whose interests are adverse to its client.

h. The proceeding in Nassau County, before Hon. STANLEY HARWOOD seeks satisfaction of the Raffe judgment against Dann by asserting a claim against Dann's attorneys, NKLS&G, who corruptly caused such judgment be be entered against its clients, as part of a larcenous scheme with respect to judicial trust assets, engineered by KREINDLER & RELKIN, P.C. [" K&R"], and its clients.

i. Satisfaction of the judgment against Dann from the assets of NKLS&G, would relieve Dann of the burden of that judgment and remove the cloud against his and his wife's Nassau County property.

j. Thus, as the uncontroverted facts therein reveal, NKLS&G has always acted contrary to the legitimate interests of its clients, Dann, and it is the NKLS&G firm alone who desire said proceeding to be dragooned to New York County and Mr. Justice Gammerman, where, as will be shown, the selection of Mr. Justice Gammerman was not by the mandatory "random selection".

k. Most significant is the fact that although such perfidious conduct has been fully exposed, NKLS&G still opposes the vacatur of the judgment against its clients, Dann and Sorrentino, a matter receiving the full cooperation of Mr. Justice Gammerman!

3a. An action was commenced by Postel, purportedly on behalf of Raffe, a Nassau resident, against petitioner, Sassower, a resident of Westchester County, and venue was improperly placed in New York County by Postel.

b. New York County being an improper venue, Sassower demanded, on February 1, 1986, and then moved, on February 12, 1986, when a consent was not executed (CPLR 511), as a matter "of right", which motion was granted by respondent, Hon. LAWRENCE N. MARTIN, JR., a Justice of the Supreme Court, Westchester County, on March 14, 1986.

c. Hon. LAWRENCE N. MARTIN, JR., is the "assigned judge", having been designated by the "non-waivable" "random selection" process.

d. Here again it inures to Sassower's, as well as Raffe's, benefit for such action to remain in Westchester County, since Sassower has brought in, as third party defendants, for full indemnification, the persons who secured the Gammerman Order.

e. Hoisted by their own petard, it now does not inure to the benefit of Postel, and those with whom he is acting in criminal consort, for such action, having been commenced, to now proceed!

Otherwise stated, although Postel brought the action against Sassower for $1,500,000, Postel now desires that it be stayed. While Sassower, the defendant therein, desires that the action move forward, which in many respects will inure to Raffe's benefit, as well as his own.

4a. Prior to the commencement of the Postel action, an action was properly commenced in Supreme Court, Westchester County, by Sassower, a resident of that County, against Postel and others.

b. Since there is no legal ground for removal of such action to any other county, none has even been attempted thus far by the defendants in that action.

c. Although a complaint has not been served as yet, it will be for the interference with the attorney-client relationship (Sassower-Raffe), and various tortious acts, including matters coming within the purview of Dennis v. Sparks (449 U.S. 24), wherein Mr. Justice Ira Gammerman, is an alleged co-conspirator.

d. The aforementioned action was, by "random selection" assigned to respondent, Hon. ALDO A. NASTASI.

5a. The proceeding in Nassau County bears a 1980 index number, and now, in 1986 -- after six years in Nassau County, NKLS&G desires it removed to Mr. Justice Gammerman in New York County!

b. As heretofore stated, on February 1, 1986, Sassower demanded that Postel consent to remove his action to Westchester County from New York County. Postel having failed to execute such consent, Sassower, moved on February 12, 1986, for such change. On March 14, 1986, such motion was granted by respondent, LAWRENCE N. MARTIN, JR.

c. There being no legal reason for the removal of the action from respondent, Hon. ALDO A. NASTASI, none has been attempted.

d. To counter Sassower's motions in Nassau County, seeking to impose ultimate liability on NKLS&G; Sassower's "of right" motion transferring Postel's action to Westchester County; and Sassower's prior action commenced in Westchester County, the law firms of K&R, NKLS&G, and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], hereinafter referred to as the "criminals [or felons] with law degrees", and Postel, without subject matter or personal jurisdiction, without warning or notice, had Hon. IRA GAMMERMAN, a Justice in New York County, who was not selected by any "random selection" process, execute an Order dated March 11, 1986, entered twenty-seven (27) days later, on April 7, 1986, in the Office of the County Clerk.

e. On information and belief, the aforementioned [sham] Order of Mr. Justice Gammerman, languished for about three weeks in the Clerk's Office of Special I, because there was no motion, or other, papers, to support such Order, as there is none!

f. Additionally, the aforementioned purported Order of March 11, 1986, as of April 11, 1986, is not reflected on the judicial computer, nor is there any motion or anything else on the judicial computer which could support such sham Order!

g. According to its proponents, the Gammerman Order dated March 11, 1986, dragoons the aforementioned proceedings before the respondents, Hon. STANLEY HARWOOD, Hon. LAWRENCE N. MARTIN, JR., and ALDO A. NASTASI, to the bailiwick of Hon. IRA GAMMERMAN, so that they may be stayed!

h. According to its proponents, the Order of Mr. Justice GAMMERMAN also dragoons into His Honor's bailiwick proceedings wherein His Honor is a named and active defendant or respondent (Judiciary Law §14), which also presently pends.

i. There was no proceeding or motion or anything else before Mr. Justice Gammerman requesting a change of venue, consolidation, or anything -- no nothing, which could serve as a basis for such sham Order!

j. Indeed, as will be shown, the purported phantom, non-existent, proceedings before Mr. Justice Gammerman, was prohibited by the "double jeopardy" clauses of the Constitution of the United States and State of New York, as contrary determinations, based on formal papers, had been resoundingly rejected by Mr. Justice LESTER EVENS and Mr. Justice MARTIN EVANS!

6a. There is nothing in this proceeding which is intended to preclude any judicial action by the respondents, Hon. STANLEY HARWOOD, Hon. LAWRENCE N. MARTIN, JR., or Hon. ALDO A. NASTASI, after inquiry is made to determine whether the purported Order of Mr. Justice Gammerman has any validity, jurisdictional or otherwise, or whether Mr. Justice Gammerman intended the proceeding and action pending before respondents to be affected thereby.

b. This proceeding is intended to only prohibit the respondents from blithely obeying the purported Order of Mr. Justice Gammerman, or assuming it covers the proceedings and actions before respondents, without inquiry.

c. In addition to lacking subject matter and personal jurisdiction, in its traditional sense, since Lord Coke decision in the famous Dr. Bonham case (8 Coke 113; 77 Eng. Rep. 647) -- three hundred and seventy five years ago -- a person may not, as is being attempted by Mr. Justice Gammerman, simultaneously be jurist, defendant, respondent, and witness (Judiciary Law §14)!

d. Additionally, this Writ seeks to restrain respondent, Hon. ALDO A. NASTASI, from entertaining against Sassower, since based upon the same allegations and evidence, he was resoundingly vindicated by Hon. LESTER EVENS, by Order dated January 15, 1986 [entered January 27, 1986], and by Hon. MARTIN EVANS, on January 9, 1986 [entered January 27, 1986].

e. In short, -- as hereinafter shown, the "criminals with law degrees", for every vindicating Order simply serve at least two (2) more motions for criminal and/or civil contempt, with the same allegations and evidence.

f. Since all their contempt applications were being defeated, without any motion, without any notice, without any hearing, without anything except a "phantom" and "contrived" recitation clause, Mr. Justice Gammerman signed a sham Order for the "criminals with law degrees"!

7. This application also seeks to disqualify, Senior Attorney, DAVID S. COOK, Esq. ["Cook"], Assistant Attorney General, the statutory watchdog for Puccini, or anyone associated with him, from acting on behalf of respondents, for reasons hereinafter set forth.

* * *

PUCCINI - THE JUDICIAL FORTUNE COOKIE

8a. Puccini, was involuntarily dissolved on June 4, 1980, -- six (6) years ago -- and since that date no accounting, final nor intermediate, has every been filed!

b. Business Corporation Law §1211(a), contemplates both a final accounting and distribution within one year!

c. Business Corporation Law §1214, contemplates intervention by the Attorney General in a situation, as exists at bar, as a matter of law!

d. Business Corporation Law §1216, mandates an application by the Attorney General for an accounting after the expiration of eighteen (18) months!

e. 22 NYCRR §202.52[e] mandates an accounting "at least once a year"!

f. The fact is that Puccini, the judicial trust, whose assets were and are custodia legis, was massively and unabashedly raped and ravished, and no true accounting can be filed without exposing the activities of the "felons with law degrees" and their judicial patrons and protectors, which includes Hon. IRA GAMMERMAN!

AN ANATOMY OF JUDICIAL CORRUPTION

9a. Hon. JOHN V. LINDSAY, was appointed Puccini's receiver upon its involuntary dissolution, but ex parte, "James Marcus style", DONALD B. RELKIN, P.C. ["Relkin"] of K&R, deceived the former mayor into not filing his bond or taking into his possession the corporate trust assets.

b. While Lindsay, the judicial constable, was not at his judicially assigned post, Relkin engineered the massive larceny of Puccini's trust assets, aided and abetted by NKLS&G!

10a. In a related cross-guarantee action brought by K&R against Raffe, Sassower, Raffe's attorney, suspecting that such larceny had taken place alleged same in opposition to a K&R motion for summary judgment, which also stayed Sassower's outstanding motion for sanction for failure of K&R to provide disclosure (CPLR 3214[b]).

b. K&R and its clients, JEROME H. BARR, Esq. ["Barr"] and CITIBANK, N.A. ["Citibank"], vehemently denied such larceny, and thus summary judgment was granted against Raffe.

c. Sassower had also made Puccini, and the clients of NKLS&G, third party defendants, so that any judgment against Raffe, meant a judgment over against the third party defendants.

d. Puccini was now represented by a new receiver, LEE FELTMAN, Esq. ["Feltman"] and his law firm, FKM&F.

e. NKLS&G, Feltman, and FKM&F had actual knowledge of (1) the perjurious submission by K&R and its clients; and (2) had actual knowledge that if such perjurious submission were believed by Hon. THOMAS V. SINCLAIR, Jr., it meant judgment over in favor of Raffe against Puccini, Dann, and ROBERT SORRENTINO ["Sorrentino"].

f. Under a pre-arranged conspiratorial plot between K&R, NKLS&G, Feltman, and FKM&F, they agreed not to expose the K&R perjurious submissions.

g. Consequently, K&R's clients recovered a judgment against Raffe, and Raffe recovered a judgment over as against the third party defendants, to wit., Puccini, the judicial trust, Dann and Sorrentino.

The third party defendants, including the judicial trust, had been betrayed by the Receiver, and the attorneys for the third-party defendants!

h. The following are extracts from the submission made to Mr. Justice Sinclair, in support of K&R's motion for summary judgment, which were not exposed as perjurious by NKLS&G, Feltman, and FKM&F, although they were aware of the true nature of same.

(1) BARR, a co-executor of the Kaufman estate and associate of K&R falsely swore:

> "Unfortunately, it is necessary to correct some of the incredible misstatements and outright falsehoods contained in the Raffe affidavits.
>
> The Estate of Kaufman has received no monies from Puccini Clothes, Ltd. ... [He and Citibank] do not have any access to it['s assets], nor have they received any monies from Puccini."

When, in April 1985, Barr confessed the aforementioned affidavit to have been perjurious, the document was destroyed and/or secreted by Referee DONALD DIAMOND, and he, "Judge Crater style", disappeared and could not be found by anyone, or so those on behalf of Administrator XAVIER C. RICCOBONO said, for a crucial period of time!

(2) CITIBANK, Barr's co-plaintiff, also submitted a judicially-filed affidavit to Mr. Justice Sinclair, which swore:

> "Raffe claims that the plaintiffs and the third party defendants have entered into some unspecified agreement ... and pursuant to which the 'assets [of Puccini] have been dissipated for the benefit of plaintiffs'. Once again, no documentary evidence has been submitted in support of this groundless assertion. ... The unsupported and baseless charge that the Estate [of Milton Kaufman] has dissipated the assets of Puccini Clothes, Ltd. is totally false. The Estate has received no monies whatsoever from Puccini Clothes, Ltd."

(3) Robert J. Miller, Esq., of K&R, submitted an affirmation, which stated:

> "... defendant (Raffe) may not argue that the automatic stay should be lifted, for discovery here is unnecessary and is simply a delaying tactic as the defendant, Hyman Raffe has absolutely no defense to this action."

11. Raffe and Sassower, still unconvinced, kept pressing for an inspection of Puccini's books, consequently, Feltman requested that the Court, per Hon. MARTIN H. RETTINGER, appoint the firm of RASHBA & POKART ["R&P"] as investigatory accountants.

a. Not revealed by the "felons with law degrees" or R&P, was that R&P were the accountants for K&R and/or its clients in this matter.

b. Also unrevealed was the NKLS&G had taken $10,000 from Puccini's judicial trust assets, "laundered" $6,200, and gave it to R&P (Exhibit "A"), in payment of an invoice to K&R, retaining $3,800 as a "laundering fee"!

c. Think of it! -- Of all the accountants available in the New York City area, accountants are chosen, as judicial appointees, to investigate its own client and the firm that previously "laundered" monies to it!

12a. In November 1983, three and one-half years after Puccini was involuntarily dissolved, the first "hard evidence" of such larceny surfaced, and by early March 1984, the massive extent thereof was, by uncontroverted documentation, made known.

b. The "felons with law degrees" reached out for their judicial and official "friends" for aid, and inter alia, Administrator XAVIER C. RICCOBONO agreed to become a joint participant in this criminal misadventure.

c. Significantly, Administrator Riccobono agreed to become a joint adventurer with the "felons with law degrees" after the massive extent of the dissipation was known, and after it was alleged that he and his court were Puccini's trustees and fiduciaries.

13. The assigned activities to Administrator Riccobono included:

a. (1) Aiding and abetting such criminals retaining the larcenous proceeds from the judicial trust by stonewalling all attempts at restitution; (2) rewarding such criminals by further grants from the judicial trust; (3) corrupting or improperly influencing other judges, in his court and elsewhere; and (4) corrupting the Attorney General's Office, by commandeering and/or accepting the services of Cook, Puccini's statutory watchdog, to simultaneously represent him, Referee Diamond, Mr. Justice Gammerman, and the rest of the judicial thrall, and compelling Cook to totally and completely abandoned his statutory obligations to Puccini!

b. Administrator Riccobono was not disturbed by the fact that such larceny had taken place in his courthouse, wherein his court, and he himself, were the trustees of Puccini's trust assets; nor did Administrator Riccobono make any attempt to recover such assets made the subject of larceny. Instead, Administrator Riccobono, took upon himself a most base and vile criminal assignment of furthering this criminal scheme, which Sassower had exposed!

Referee DONALD ["Judicial Caesar I"] DIAMOND:

14a. To execute such base assignment, Administrator Riccobono, by ex parte, non-consentual, ukase, designated Referee Donald Diamond, to "hear and determine" certain matters, and to "hear and report" other matters, which were made returnable at Special Term Part I (cf. CPLR §4317[b]).

b. Referee Diamond, began his assignment by invading the bailiwick of other jurists, and "directing" them as to the manner by which they should dispose of matters which were sub judice ("fixing").

c. Thus, for example, there was properly pending in Trial Term Part 11 at the time Referee Diamond was appointed, a motion which sought to cancel the judgment K&R had secured against Raffe, and Raffe's judgment over as against the third party defendants, to wit., Puccini, Dann, & Sorrentino based upon the aforementioned perjury and corruption (CPLR 5015(a)[3]).

d. Although such motion inured to the benefit of Puccini, the judicial trust, and Dann and Sorrentino, it was not supported by Feltman, FKM&F, or NKLS&G.

e. With K&R in default for about one month, unable to controvert the documented evidence of the massive larceny of judicial trust assets, the perjury, and corruption which accompanied same, Referee Diamond "directed" Hon. ETHEL B. DANZIG to abort Raffe's CPLR 5015(a)[3] motion, which had been made before his appointment (Exhibit "B").

The judicially ordered inquiry into Puccini, Referee Diamond refused to obey, and then he and Administrator Riccobono caused same to be cancelled!

f. As for new motions, Referee Diamond, proclaimed himself, Napoleon style, "Judicial Caesar I", requiring that he, personally, give permission for the making of any motion, although such authority was neither in the statute (CPLR §4317[b]) nor the Riccobono ex parte corruptly secured administrative order which appointed him.

g. As to any motion affecting a prior order, even when made as "of right" (e.g. CPLR 5015[a][3]), Referee Diamond enacted the "Judge Crater rule", to wit., if it affected an Order of Judge Crater, you first had to find Judge Crater and obtain his permission to make such motion.

Thus, with Mr. Justice Sinclair ill and hospitalized for an extended period of time, the judgment secured by K&R against Raffe, and Raffe against Puccini, Dann and Sorrentino, and any other Judge Sinclair order, became invulnerable!

h. After about seven (7) months after the appointment of Referee Diamond, the justices of New York County, began to silently rebel and simply refused to obey the "Diamond Rules", which treated them as if they were nothing more than a line of circus elephants following his lead!

i. Finally, Hon. ETHEL B. DANZIG, Referee Diamond's first victim (Exhibit "B), openly proclaimed Her Honor's sovereignty in her trial part, and openly proclaimed that Her Honor would not follow Diamond, self-proclaimed, rules anymore!

j. Mr. Justice KENNETH L. SHORTER, thereafter dealt the Diamond's rules what was thought to be a lethal blow, to such cersoring rules (Exhibit "C").

Mr. Justice IRA ["Judicial Caesar II"] GAMMERMAN:

15a. The "criminals with law degrees" and Administrator Riccobono needed additional aid, so they solicited the services of Mr. Justice IRA GAMMERMAN.

b. Mr. Justice Gammerman issued two orders, both dated January 23, 1985, thereafter known as the "sewer odyssey" and "out of orbit odyssey".

16a. The "sewer odyssey", supposedly settled at Special Term Part I, (1) had a false affidavit of service for the settlement of the proposed Order, which indeed, was never served; (2) never passed through the Clerk's Office at Special Term, Part I on the way in to the Chambers of Mr. Justice Gammerman, and thus never checked or entered in the various books at that office; (3) never passed through the Clerk's Office at Special Term, Part I, after leaving the Chambers of Mr. Justice Gammerman; (4) never passed through the normal channels of the County Clerk's Office; and in its pristine state, was found by petitioner in the Court folders!

b. Unquestionably and undeniably, the charted route of such purported Order, in and out of the Chambers of Mr. Justice Gammerman, was through the "sewers" of 60 Center Street.

c. Such "sewer odyssey order" of Mr. Justice Gammerman, submitted at the instance of FKM&F, directed His Honor's colleagues to abort all pending motions seeking to investigate the activities of Feltman and FKM&F, aborting even those which were sub judice, including the R&P appointment by Mr. Justice MARTIN H. RETTINGER!

d. Thus, Mr. Justice Gammerman directed his colleagues to abort all investigation of Feltman and FKM&F, with respect to their judicial trust!

e. Since such corruptly secured Order recited that it was made without opposition, it became non-appealable, and as will be seen, not subject to vacatur because of the provisions in the "out of orbit odyssey!

17a. The "out of orbit odyssey", also corruptly secured, lacking subject matter and personal jurisdiction, prohibited Raffe and Sassower from, inter alia, communicating with the Grievance Committee with respect to the activities of the "criminals with law degrees"; and further provided that all legal proceedings thereafter undertaken needed the personal permission of either Mr. Justice Gammerman or Administrator Riccobono.

b. This order, purportedly based on an "on the record" decision of December 19, 1984, differed from such decision by about 170°.

Indeed, by ex parte arrangement made by and between the "criminals with law degrees", Administrator Riccobono, and Mr. Justice Gammerman, Mr. Justice Gammerman was instructed to sign whatever order the "criminals with law degrees" submitted, His Honor's decision to the contrary, notwithstanding!

c. This "out of orbit Order" of Mr. Justice Gammerman, proclaimed His Honor another "Judicial Caesar", since now in order to gain access to Mr. Justice Sinclair, Mr. Justice Rettinger, or any other jurist who had issued any order as a result of the fraud and perjury of the "criminals with law degrees", now needed the permission and consent of either Administrator Riccobono or Mr. Justice Gammerman.

d. Thus, in order to move to vacate or modify the "sewer odyssey" or "out of orbit odyssey" of Mr. Justice Gammerman, one needed the permission and consent of either Mr. Justice Gammerman or Administrator Riccobono, which of course, was unobtainable!

e. Administrator Riccobono, Mr. Justice Gammerman, and Referee Diamond, the "trio of judicial fixers", had made themselves, the "court of first and last resort"!

Berchtesgaden on the Hudson:

18a. The Order of Mr. Justice Shorter notwithstanding (Exhibit "C"), the "criminals with law degrees" and Administrator Riccobono then conceived a diabolical scheme.

b. Employing as pretext the violation of the Order of Mr. Justice Gammerman, Sassower, SAM POLUR, Esq. ["Polur"], and Raffe would be charged and found guilty of non-summary criminal contempt, without benefit of the mandatory trial, and sentenced to be incarcerated!

c. Raffe, a multi-millionaire, seventy years of age, with an impeccable personal and financial record; would then be threatened with incarceration, unless he succumbed, and also compelled his attorneys, Sassower and Polur, to succumb, at which point they all would be given "indulgences"!

d. The convictions of Sassower, Polur, and Raffe, had to be without benefit of trial, since there simply was not even a prima facie case of criminal contempt against them, and they would have "clobbered" the "criminals with law degrees" on any trial!

e. The fact that as a matter of constitutional ministerial compulsion, every american judge and court, must give a person a trial before conviction, sentence, and incarceration, absent a plea of guilty, even for non-summary criminal contempt (Bloom v. Illinois 391 U.S. 194), did not prove an insurmountable obstacle, for the "criminals with law degrees" and Administrator Riccobono, as they solicited the services of the veteran, Mr. Justice ALVIN F. KLEIN, for such task!

19a. The conviction, sentence, and incarceration of Polur, without a trial, for non-summary criminal contempt was particularly egregious.

b. The charge against Polur was based upon the uncorrobarated charge by FKM&F that he had served a single summons on that firm and nothing more!

c. Even when such fact was undeniably shown to be false, Mr. Justice Klein refused to release Polur from incarceration (Brady v. Maryland 373 U.S. 83).

20a. The "criminals with law degrees", who were the self-styled public prosecutors on these criminal contempt charges (cf. Polo Fashions v. Stock Buyers, 760 F.2d 696 [6th Cir.]), now became the self-styled public enforcers, as they sought to enforce such order of incarceration against Raffe alone.

b. Polur petitioned for equal enforcement of such Order of incarceration, which when it was granted, he immediately surrendered himself to the Sheriff of the City of New York.

c. Shortly thereafter, Sassower was arrested and incarcerated.

21a. During such period of time, without the knowledge of Sassower or Polur, Postel was in communication with the "criminals with law degrees", and in effect advised them that if Sassower and Polur were incarcerated, he would induce Raffe to succumb.

b. Thus although no substitution of attorneys was even requested, or any order of substitution of attorneys obtained, the "criminals with law degrees" began negotiating directly, and through Postel, with Raffe (see Moustakas v. Bouloukos, supra; Disciplinary Rule, 7-104).

c. Periodical telephone calls and visits from the Sheriff of the City of New York and Nassau County, as well as from the "criminals with law degrees" and Referee Diamond, reminded Raffe that if he did not succumb, he would be incarcerated, if he did, indulgences would be given to him.

d. The indulgences peddled were not only from the sham trialess convictions, but also from the herculian economic penalties that were being imposed, as hereinafter described.

e. With the Writ of Habeas Corpus effectively suspended in the First Judicial Department for Sassower and Polur, they nevertheless rejected any "indulgences" from such sham convictions, as an offense to God and man, and instead served their full term.

Mr. Justice DAVID B. SAXE:

22a. Based upon judgments, real and phantom, the "criminals with law degrees", began to serve restraining notices against the financial institutions of Raffe, Sassower, and Polur, each for "twice" the amount claimed due (CPLR §5222[b]), and engaged in other harassing activities based on such judgments, real and phantom.

b. Such activities, like those which resulted in the Klein convictions, were commenced after the Gammerman Orders of January 23, 1985.

c. Thus, for example, based on a claimed easily collectable judgment against Raffe for $10,000, K&R served 200 restraining notices against various financial institutions, potentially restraining 400 times of the amount claimed, or $4,000,000.

d. Substantially similar activity, and more, was undertaken by FKM&F, based on phantom, non-existent, judgments.

e. Thus, Sassower commenced an action and proceeding against FKM&F and the Attorney General in order to declare CPLR §5222[b] unconstitutional insofar as it permits restraints of "twice" the amount, and actionable insofar as multiple restraints were imposed (Lugar v. Edmondson, 457 U.S. 922; Warren v. Delaney, 98 A.D.2d 799, 469 N.Y.S.2d 457 [2d Dept.]).

f. The motions were diverted to Mr. Justice David B. Saxe, who had a claimed Judiciary Law §14 disqualification at the time, as hereinafter shown, and he, also without a trial, convicted, sentenced, and incarcerated Sassower, and imposed other draconian penalties upon him for such action and proceeding!

g. As with the Klein actions, had Sassower believed that the Gammerman Orders covered legal actions arising out of subsequent events, he would have gone across the street and simply commenced the actions in the federal forum.

Additionally, Sassower believed that the Order of Mr. Justice Shorter (Exhibit "C"), issued a few days earlier, settled the issue!

h. Sassower, subsequently, was able to place his assets in his "non-interest bearing mattress", but Raffe a substantial businessman, could not!

i. Consequently, Raffe was compelled to pay on bank restraints based on the phantom judgments of the "criminals with law degrees", since he could not risk incarceration by those of the Saxe mentality, by bringing any proceeding to declare such restraints a nullity.

Referee DONALD DIAMOND -- REVISITED:

23a. When Feltman, five years after Puccini was involuntarily dissolved, contended that he could not file an accounting because "liabilities exceeded assets", Sassower requested permission to make a motion to increase Puccini's assets by a minimum of $300,000, within 45 days, without risk or cost.

It was an offer that could not be refused!

b. Referee Diamond, not only denied permission, but "directed" that FKM&F submit an affidavit so that he could enter judgment against Sassower for $196,000!

c. Because Raffe consented to Sassower's gratuitous offer, judgment was to be directed against him also for such sum!

d. One need only contemplate 200 restraints, each for "twice" $196,000, to recognize why Raffe had to eventually succumb, and is actually a "hostage" to those who have captured the "judicial machinery"!

24a. Thereafter when Sassower requested sanctions against FKM&F for not attending an examination before trial, and for an examination of Referee Donald Diamond, Referee Diamond dragooned such motion from Hon. BEATRICE SHAINSWIT, denied the motion and assessed sanctions of $37,500!

b. When Hon. BRUCE McM. WRIGHT, denied a K&R motion to dismiss, Sassower served a notice to examine it before trial.

Ex parte, K&R went to Referee Diamond, who dismissed the action, and imposed sanctions against Sassower in the sum of $25,000 for serving a notice for an examination before trial.

RANDOM SELECTION -- JANUARY 6, 1986:

25a. Almost without exception, every jurist in New York County, now began to disregard the Gammerman Order of January 23, 1985, as they did the year before with respect to the Diamond rules.

b. Thus, as January 6, 1986 approached, it was an "open secret" that Administrator Riccobono was going to manipulate the "Bellacosa computer" until the name of Gammerman appeared!

c. Two motions were made returnable in the Support Motion Part, returnable after January 6, 1986.

d. The first was to vacate the Order of Referee Diamond which he dragooned from Hon. BEATRICE SHANINSWIT and imposed sanctions of $37,500; the second was to transfer the Puccini litigation to another county and to compel the Receiver to account!

26a. The judicial computer selected Hon. MARTIN B. STECHER, sitting in IAS 13, for the Puccini litigation, and His Honor declined the assignment, stating that the motion should be referred to Hon. BEATRICE SHAINSWIT -- but it was not!

b. To "better the odds", Administrator Riccobono gave an "protracted" status to the Puccini litigation, so that the odds were now "one in five" rather than "one in thirty-four", for Mr. Justice Gammerman to be selected!

c. The judicial computer now selected Mr. Justice MICHAEL J. DONTZIN, who also declined to accept same.

d. Records are blank after such refusal by Mr. Justice Dontzin, but there came a time that Mr. Justice Gammerman received a call from Administrator Riccobono's secretary who advised him it was "him" and His Honor received his marching orders from the Administrative Judge (cf. Balogh v. H.R.B. Caterers, 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.])!

KHADAFY IN THE COURT:

27a. The second motion, requesting a change of venue and for an accounting by the Receiver, was physically "hijacked" to Referee Diamond, before it could be placed on the computer, and he, pretending to be sitting at IAS 13, now "directed" the Sheriff of Westchester County to "break into" Sassower's residence, "seize the Word Processor and his Soft Ware".

b. The Sheriff of Westchester County, on advise of the County Attorney, refused to obey, except upon the filing of an indemnity bond of $1,000,000!

c. Upon the assignment of the Puccini proceeding to Mr. Justice Gammerman at IAS 27, Referee Diamond issued a second Order from IAS 27, directing the Sheriff of Westchester County, again to "break into" Sassower's residence, "seize all Word Processing equipment and Soft Ware", "inventory" his possessions, and "file with him a detailed report", "Storm Trooper style"!

d. The pre-text was a "phantom", non-existent" judgment of $5,000, on which FKM&F had already seized sufficient sums to pay same from funds Sassower had held for his daughter and from his "special" account!

e. Thus, although proceedings on a judgment, real or phantom, was a new special proceeding, which had to be commenced in Westchester County (CPLR §5221(a)[4]), and there, subject to "random assignment", FKM&F instead had gone to Referee Diamond, who simply does not have such power CPLR §4317[b]!

f. Other motions, compelling Administrator Riccobono to account for Puccini's trust assets, were also physically "hijacked" before they could be entered on the computer!

Mr. Justice IRA GAMMERMAN -- REVISITED:

28a. On January 4, 1985, Mr. Justice MARTIN EVANS vindicated Sassower of criminal contempt after a massive presentment by FKM&F over a two year period.

b. In the second half of 1985, once again FKM&F by three (3) substantially simultaneous presentations, based on the same allegations and evidence, again commenced criminal contempt proceedings against Sassower, two of them bearing the Puccini title!

c. Within two (2) days after the Order of Mr. Justice LESTER EVENS was served, with Notice of Entry, which vindicated Sassower, FKM&F and his co-conspirators commenced four (4) new criminal contempt proceedings against Sassower, none of them before Hon. IRA GAMMERMAN.

d. The Order of Mr. Justice LESTER EVENS, entered on January 27, 1986, reads as follows:

> "The motion to hold GEORGE SASSOWER in contempt is denied. With regard to charges of contempt related to Mr. Sassower's motion numbered 145 on the calendar of 12-30-85, that motion has been dismissed and contempt charges are now moot. Those charges relating to Mr. Sassower's purported conduct in matters other than motion #145 are insufficient to support a finding of contempt." [emphasis supplied]

e. Entered shortly afterward, but the same day in the County Clerk's Office, was the Order of Mr. Justice MARTIN EVANS, which reads:

> "Upon the foregoing papers this motion seeking to renew the motion for contempt against GEORGE SASSOWER, Esq., is denied. Movant has not set forth as adequate basis for altering this Court's prior Order." [emphasis supplied]

f. The law is clear that where a criminal proceeding is terminated for insufficiency, it triggers constitutional and statutory double jeopardy rights (Burks v. United States, 437 U.S. 1; Greene v. Massey, 437 U.S. 19; People v. Brown, 40 N.Y.2d 381, 386 N.Y.S.2d 848, cert. den. 433 U.S. 913; People v. Davis, 91 A.D.2d 948, 458 N.Y.S.2d 563 [1st Dept.]; People v. Dann, 100 A.D.2d 909, 474 N.Y.S.2d 566 [2d Dept.]; Rafferty v. Owens, 82 A.D.2d 582, 442 N.Y.S.2d 571 [2d Dept.]; People v. Warren, 80 A.D.2d 905, 437 N.Y.S.2d 19 [2d Dept.]).

g. The "criminals with law degrees" and Postel appealed the Orders of Mr. Justice MARTIN EVANS, which presently pends for the May 1986 Term.

h. While the aforementioned appeal from the Order of Mr. Justice MARTIN EVANS was pending [and still pends], requesting essentially the same relief as that granted by Mr. Justice IRA GAMMERMAN, based on a "phantom", "non-existing" criminal contempt proceedings, and apparently based on the same allegations and evidence on which Mr. Justice LESTER EVENS and Mr. Justice MARTIN EVANS rendered their determinations, without notice or warning, Mr. Justice GAMMERMAN, without even a pretext of jurisdiction, personal or subject matter, signed the Order dated March 11, 1986, entered April 7, 1986!

i. The Order, with its false and contrived assertions, as filed in the County Clerk's Office, is supported by stenographic minutes and some prior Orders, nothing more! No motion, containing the statutory or constitutional warning. No trial, no hearing, no nothing, except a corrupt agreement with the "criminals with law degrees" and Administrator Riccobono's "marching orders".

j. By affidavit of March 5, 1986, Sassower obtained the effective confession of Feltman to his and his firm's involvement in conspiratorial corruption regarding Puccini's judicial trust assets. Thus, Sassower now had not only the uncontroverted documented evidence, but also the effective confession of K&R, its clients, NKLS&G, and now Feltman, his firm!

k. Six (6) days later, Mr. Justice Gammerman, without personal or subject matter jurisdiction, by the proclamation of the "criminals with law degrees", was crowned "Judicial Caesar", purportedly dragooning all proceedings, to his bailiwick and himself, so that he could be jurist, defendant, respondent, and witness simultaneously.

l. Interestingly, since both Raffe and Sassower have judgments and claims against Puccini, it is factually and theoretically impossible for Sassower to be in civil contempt, since he cannot "defeat, impair, impede, or prejudice" Puccini's "rights or remedies" (Judiciary Law §90).

Senior Attorney, DAVID S. COOK, Esq:

29a. There is nothing in Dante's journey through the Nine Circles of "The Inferno", which equals, or could equal, the legal and moral outrage in the commandeering of Senior Attorney DAVID S. COOK, Esq., of the Attorney General's Office!

b. Cook is the one-man unit, vouchsafing, on behalf of the Attorney General the assets and affairs of involuntarily dissolved corporations.

c. Some of the Attorney General's obligation are discretionary (Business Corporation Law §1214), and some mandatory (Business Corporation Law §1216).

d. The decisions and orders of Mr. Justice David B. Saxe, in the Puccini litigation, became increasingly suspect, and when His Honor held, in effect, that in a hearing for legal fees for Feltman, Karesh & Major, Esqs., from Puccini, Puccini was to be defended by Lee Feltman, Esq., and neither Raffe nor Sassower could participate therein.

e. Thus to prevent such legal farce, Sassower requested the Attorney General to intervene, and it was Cook who responded (Exhibit "D").

f. There followed an intensive exchange of information by and between Cook and Sassower both seeking to advance the legitimate interests of Puccini.

g. Although in his representation of the judiciary, the Attorney General follows a rotation system of assignments, an ad hoc exception was made as Administrator Riccobono commandeered Cook to represent him and his judicial thrall in the Puccini matter while simultaneously Cook was representing Puccini!

h. Obviously, in this simultaneous representation, Cook abandoned the rights of Puccini, in favor of Administrator's adverse position!

i. It takes a remarkable base view of morality to conceive that Cook, on behalf of The Justices of the Supreme Court, New York County, after authorized to do so by the Office of Court Administration, represented that the justices would give obedience to the mandatory, non-discretionary, provisions of 22 NYCRR §660.24, and then when Mr. Justice Saxe disobeyed both the mandatory rule and Cook's representation of presumed obedience, that it would be Cook who would defend Saxe in a suit on behalf of Puccini!

j. Thus, to this very day, Cook is not only the sole statutory representative of Puccini, but also and simultaneously, exclusively represents all judicial interests adverse to Puccini!

k. Consequently, one can witness, in the Puccini litigation, a scene where FKM&F vehemently argues against the vacatur of a $500,000 judgement against Puccini, while Cook, its statutory ward, sits idly by as a result of Riccobono's "marching orders" to him!