In The

SUPREME COURT OF THE UNITED STATES
October Term, 1986

No.

In re:

GEORGE SASSOWER, Esq.

Petitioner,

For a Writ of Prohibition and Mandamus
to the Circuit Court of Appeals
for the Second Circuit.
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PRAYER

Petitioner, GEORGE SASSOWER, Esq., respectfully requests a Writ of Prohibition and Mandamus:

(1) prohibiting the Circuit Court of Appeals for the Second Circuit from considering the Order of Disbarment of the Appellate Division of the Supreme Court of the State of New York, Second Judicial Department, dated February 23, 1987, insofar as such Order incorporates a patently void conviction for non-summary criminal contempt, which that Court affirmed;

(2) mandating the Circuit Court of Appeals for the Second Circuit, to recuse itself in all litigation involving petitioner;

(3) mandating the Second Circuit Court of Appeals, or any other Circuit Court to which Sassower v. Sheriff of Westchester County (651 F. Supp. 128 [SDNY, per Edelstein, J.]) might be referred, to summarily dismiss the appeal based on the uncontroverted evidence of invidious and selective prosecution;

(4) mandating the Second Circuit Court of Appeals, or any other Circuit Court to which Sassower v. Sheriff of Westchester County (supra) might be referred, to summarily dismiss the appeal based on "double [multiple] jeopardy" and/or "double punishment";

(5) prohibiting Chief Judge WILFRED FEINBERG, Circuit Judge IRVING R. KAUFMAN, and/or Circuit Judge, THOMAS J. MESKILL from employing the services of U.S. Attorney RUDOLPH W. GIULIANI and/or U.S. Attorney ANDREW J. MALONEY in any civil litigation involving the petitioner;

(6) together with any other, further, and/or different relief as to this Court may seem just and proper in the premises.

OPINIONS BELOW

1a. Petitioner having exhausted his state remedies, caused to be issued a 28 U.S.C. §2254 writ, based on numerous federal constitutional grounds, including "double jeopardy", "double punishment", "invidious and selective prosecution", "unconstitutional forum", as well as the issues on which the District Court based its determination (Sassower v. Sheriff, supra).

U.S. Magistrate NINA GERSHON and Hon. DAVID N. EDELSTEIN, held that Bloom v. Illinois (391 U.S. 194) brought non-summary criminal contempt under the protective umbrella of the XIV Amendment, as the state tribunals had uniformly held in other cases, and that a conviction without a trial and/or without the constitutional right of confrontation rendered such conviction a nullity (Sassower v. Sheriff, supra).

b. The appeal by petitioner's intervening adversaries is sub judice at the Circuit Court of Appeals for the Second Circuit.

2. Multiple disbarment proceeding pend sub judice, including at the Second Circuit (87-8028), this Court (D-613), the Southern District of New York (M-2-238 [VLB]), and the Eastern District of New York (Misc. 87-0107 [ILG]).

3a. An action pends in the Southern District of New York, wherein petitioner is a petitioner and Chief Judge WILFRED FEINBERG, Circuit Judge IRVING R. KAUFMAN, and Circuit Judge THOMAS J. MESKILL, are among the respondents (Vilella et el., v. Santagata et el., 87Civ.1450 [GLG]), and another action is about to be commenced, which will also include the above respondents.

b. The aforementioned federal judicial respondents, in such pending civil proceeding, are represented by U.S. Attorney RUDOLPH W. GIULIANI.

JURISDICTION

Jurisdiction in this Court exists by virtue of 28 U.S.C. §1651 and Supreme Court Rule 27.

QUESTIONS PRESENTED

1a. Where Congress, by the Act of March 2, 1831 [18 U.S.C. §401] deprived the courts it created of the jurisdictional power to disbar an attorney for criminal contempt, can those courts circumvent such restriction by employing a two-step, rather than a one-step, procedure?

b. At bar, instead of directly disbaring petitioner as punishment for non-summary criminal contempt, as did Judge JAMES HAWKINS PECK (Nye v. United States, 313 U.S. 33; Ex parte Robinson, 19 Wall [86 U.S.] 505), the courts below, without an accusation, without a trial, without any anything, convicted petitioner and his client, HYMAN RAFFE ["Raffe"], and by then not permitting petitioner to attack such manifestly unconstitutional conviction disbarred him.

c. The Appellate Division did not permit petitioner to attack the jurisdictional infirmities of this federal, or any other trial-less convictions, and now, the Second Circuit Court, on information and belief, in accordance with its practice, does not intend to examine the underpinnings of the state disbarment Order, in disbaring petitioner from its court, anything in Selling v. Radford (243 U.S. 46) to the contrary notwithstanding.

d. This is nothing less than a "judicial shell game"!

2a. Where there is very active litigation between the petitioner and members of the Second Circuit Court of Appeals, strong complaints of judicial misconduct, and petitioner has made demands that the federal judicial respondents herein be impeached and criminally indicted, all based on very substantial evidence of misconduct, must the Second Circuit recuse itself before appellate papers are prepared for submission or argument, particularly where the contempt power is in issue (In re Murchison, 349 U.S. 133)?

b. At bar, petitioner's recusal motion was referred to the panel, for simultaneously determination with the merits of the appeal.

c. Obviously, as between a constitutionally disqualified court and a qualified court the submitted papers are drastically different.

3a. Where the private criminal prosecutors are, in fact, petitioner's civil adversaries, who sell and barter "judicial indulgences" on these manifestly unconstitutional trial-less convictions, and petitioner is repeatedly incarcerated, fined, and otherwise financially harassed to the point where he was compelled to to file a petition in bankrupcy (20500Bkcy [HS]), all because he will not "purchase" such "judicial indulgences", is petitioner entitled to an adjudication based on "invidious and selective prosecution" in Sassower v. Sheriff (supra), so as to end these repeated, multiple, exhausting, retaliatory, prosecutions?

b. For the payment by Raffe of hundreds of thousands of dollars, to the self-styled private criminal prosecutors, and other considerations given by him, worth in the millions, the mirrored report of Referee DONALD DIAMOND was never presented for confirmation (see Town of Newton v. Rumery, U.S. , 107 S.Ct. 1187, O'Connor, J. concurring, 1195, at 1196).

c. This is not the situation where an accused pays monies to the prosecutor not to prosecute, as noted by Mme. Justice O'Connor, supra, but the more egregious state where the fines and penalties which belong to the sovereign (Gompers v. Bucks Stove, 221 U.S. 418, 447; 17 C.J.S. §92, at p. 268) are diverted to private pockets in exchange for "judicial indulgences".

d. The Circuit Court of Appeals referred this issue to the panel determining the merits of the appeal, causing the solo bankrupt petitioner, the further expense of meeting the merits of his adversaries appeal.

e. The issues of "invidious and selective prosecution", like "double jeopardy", is a pre-determinative issue (People v. Utica Daw's Drug, 16 A.D.2d 12, 225 N.Y.S.2d 128 [4th Dept.]).

4a. Where there have been seventeen (17) verdicts other than guilty, each one triggering constitutional "double jeopardy", and punishment already imposed for the same alleged "crimes" by way of another contempt proceeding, is petitioner entitled to a determination on the issue of "double jeopardy" and "double punishment" in Sassower v. Sheriff (supra), so that he will not be repeatedly harassed for the same alleged misconduct?

b. This issue was also referred to the panel which was to consider the merits of the appeal.

5a. Where prior to any action or formal complaint against the federal judicial respondents named here, petitioner gave to the offices of U.S. Attorneys RUDOLPH W. GIULIANI and ANDREW J. MALONEY information about their criminal activities, and of the criminal activities of their co-conspirators, and petitioner desires to give further evidence to such U.S. Attorneys, can these federal judicial respondents constitutionally have such United States Attorneys defend them in related civil litigation?

b. Petitioner's constitutional right to petition his government with his grievances, as well as his professional obligation (Disciplinary Rule 1-103), is destroyed, if those he gives confidential information are thereafter selected to defend those he accused.

c. Who would make complaint to the U.S. Attorney about the misconduct of a federal official, if thereafter that same U.S. Attorney is dragooned to defend such official?

STATEMENT OF THE CASE

1a. PUCCINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved by Order of the Supreme Court, New York County on June 4, 1980 -- almost seven (7) years ago -- its assets and affairs becoming custodia legis.

b. Albeit its dissolved status, Puccini remained a constitutional "person", within the meaning of the XIV Amendment, whose assets and affairs were held under "color of state judicial law".

2a. KREINDLER & RELKIN, P.C. ["K&R"], and its clients, JEROME H. BARR, Esq. ["Barr"] and CITIBANK, N.A. ["Citibank"], usurped control from the court appointed receiver, before he could file his bond, and with their co-conspirators massively and unlawfully converted Puccini's judicial trust assets.

b. K&R, its clients, aided and abetted by their co-conspirators, particularly LEE FELTMAN, Esq. ["Feltman"], the successor court appointed receiver, and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], his law firm, simply inundated the state judicial forum with perjurious affidavits and statements that Puccini's judicial trust assets were intact.

c. On November 7, 1983 -- three and one-half (3 1/2) years -- after Puccini had been dissolved, the initial hard evidence of the suspected larceny surfaced, and in the few months that followed, such documented evidence simply cascaded into the judicial forums.

d. Clearly implicit by such documented disclosure, including effective confessions from the culprits, was judicial and official involvement in this criminal misadventure.

3a. In New York, the Attorney General is the statutory fiduciary for involuntarily dissolved corporations, and he has both mandatory obligations and discretionary rights (e.g. Business Corporation Law §1214, §1216[a]), to be invoked to advance the interests of stockholders, creditors, and other interested parties.

b. Petitioner, a solo practitioner, communicated with the Attorney General with respect the disclosure of massive larceny of judicial trust assets, and it was Senior Attorney, DAVID S. COOK, Esq.["Cook"], the one-man unit in the Attorney General's Office assigned to vouchsafe the assets and affairs of involuntarily dissolved corporations, who responded.

c. A close professional relationship developed between petitioner and Cook, and in the months that followed there was a great deal of confidential information exchanged with respect to the mishandling of judicial trusts in New York County, and with respect to Puccini, in particular.

d. Insofar as petitioner transmitted to Cook his confidential information, same was constitutionally protected (U.S. Constitution, Amendment 1; California Motor v. Trucking Unlimited, 404 U.S. 508, 513; N.Y.S. Constitution, Article 1 §9).

e. Thereafter, when the Administrative Judge of New York County, Hon. XAVIER C. RICCOBONO ["Riccobono"], Presiding Justice FRANCIS T. MURPHY ["Murphy"], and then Chief Administrative Judge, JOSEPH W. BELLACOSA ["Bellacosa"], needed legal representation for themselves and their judicial thrall, of the many available assistant attorney generals and other attorneys available, it was Cook who was singularly and specifically dragooned by them to be their legal representative, while Cook was simultaneously representing Puccini.

f. Thus, for example, when a suit was commenced against Mr. Justice DAVID B. SAXE ["Saxe"] on behalf of Puccini, for his disobedience to a mandatory ministerial prohibition in making payment out of Puccini's assets, it was Cook, Puccini's statutory fiduciary, who represented Judge Saxe against Puccini. Obviously, in such dual representation, Cook carried with him petitioner's confidential information of Judge Saxe's involvement in the Puccini larceny.

g. There is no possibly way that Feltman, the receiver, can truly account for Puccini's assets, without disclosing the massive larceny of judicial trust assets, the blatant perjury, and the official and judicial corruption.

Bus. Corp. Law §1216[a] mandates, as a ministerial "duty", that the Attorney General make application for a final accounting, if not rendered within eighteen (18) months. It is now more than eighty-two (82) months, but Cook does not make such mandated motion, indeed opposes same when made by others, because he has been compelled to betray his "helpless and voiceless constitutional person", in favor of his vocal and corrupt judicial clients.

4a. Attempting to avoid an accounting and restitution, in terrorem tactics have been employed against petitioner, Raffe, and SAM POLUR, Esq. ["Polur"].

b. Raffe and Polur were compelled to succumb, and they are now in bondage, and legally inert.

Petitioner holds and intends to hold fast!

c. Petitioner has no power to compound criminal activity, and has no intention of doing so, particularly when it interferes with his personal and professional obligations to himself and his client to be "zealous" (Code of Professional Responsibility, Canon 7).

d. As a result of petitioner's position, he has been visited by a endless parade of horribles intended to drive him from the judicial forum (see Cotting v. Goddard, 183 U.S. 79, 99-102).

5a. By the concerted action of the state and federal judicial and official forums, petitioner has been made the subject of about twenty-five (25) non-summary contempt proceedings in less than a two (2) year period, about seventeen (17) of which triggered constitutional "double jeopardy", and about eight (8) statutory "double jeopardy".

b. Within a few days after a vindication, petitioner is made the subject of further contempt proceedings, in multiple, geometric fashion, based on the same charges, allegations, and evidence.

c. Thus, Sassower v. Sheriff (supra) was commenced on January 30, 1985, a mere twenty-six (26) days after petitioner had been vindicated of criminal contempt, after a massive submission by his adversaries, over a two (2) year period.

6a. Without a trial, and without other basic constitutional rights, in an approximate one (1) year period, petitioner has been convicted five (5) times, for non-summary criminal contempt, and incarcerated three (3) times, pursuant to such trial-less convictions.

b. Raffe was similarly convicted, but when he paid, by check, hundreds of thousands of dollars to his private adversaries, and surrendered rights worth in the millions, including releases to his private criminal prosecutors, and their stable of corrupt judges, he was not incarcerated, nor was the mirrored Report of Referee DONALD DIAMOND (see Sassower v. Sheriff [supra]) moved for confirmation.

c. Polur, as was petitioner, incarcerated, but when he left the scene, the disciplinary proceedings against him, based on such conviction, was terminated.

d. Petitioner, who refuses to surrender to these "criminals with law degrees", is repeatedly convicted and incarcerated, without a trial, and based upon such manifestly unconstitutional convictions he has been disbarred by the state courts.

7a. Repeated orders have been issued to the Sheriff of Westchester County to "break into" petitioner's premises, "seize all word processing equipment and soft-ware", and "inventory" petitioner's possessions.

b. Based on a "phantom" judgment, petitioner's bank assets have been seized.

c. When in jest, petitioner stated that the aforementioned action has compelled him to place his assets in a "non-interest bearing mattress", petitioner was met with an application to direct the Sheriff to "break into" his residence, and "tear apart" his "non-interest bearing mattress".

d. When petitioner stated he made such statement in "jest" to make a point, he was accused of perjury.

e. Obviously, petitioner's right to "jest", whether it be of constitutional magnitude or not, has also been confiscated!

8a. Non-related actions and proceedings whereby petitioner can earn a livelihood, have been stayed.

b. Sham reasons are contrived for hurling herculian attorney fee, and other monetary awards, against petitioner both in the state and federal forum.

c. Thus, for example, when petitioner simply asked the permission of Referee DONALD DIAMOND to make a motion to increase Puccini's assets by a minimum of $300,000, within 45 days, without cost or obligation, he was assessed the sum of more than $197,000, and the application denied.

Raffe, who by a few line affidavit, consented to such gratuitous offer, was fined more than $200,000, for consenting!

The constitutional right to access to the courts are effectively denied by such procedures (Cotting v. Goddard, supra).

d. It was only the automatic stay provisions of the Bankrupcy Code which afforded petitioner some relief.

9a. Since only the Federal criminal conviction is specifically being made the subject of relief herein, such conviction is examined in detail.

b. The essential elements in all criminal convictions are (1) a criminal accusation (The Acts of the Apostles, 25:27); (2) a trial, which even the Ku Klux Klan in their heyday of power afforded to their untried victims (Briscoe v. LaHue, 460 U.S. 325, 340); and (3) confrontation rights (The Acts of the Apostles 25:16), unless constitutionally waived (Johnson v. Zerbst, 304 U.S. 458).

c. To the extent that summary criminal contempt is an exception, such exception is more in form than in substance, and founded upon necessity. In any event summary criminal contempt is not an issue insofar as petitioner is concerned.

10a. K&R falsely claimed that petitioner and Raffe were in default on April 25, 1985 for a deposition.

b. On the return of the Order to Show Cause based on such contrived allegation of default, with great specificity, petitioner totally demolished such default contention, and Judge EUGENE H. NICKERSON simply set the matter down for Tuesday, May 28, 1985 at 4:00 p.m. for deposition.

c. Ex parte, K&R conferred with Judge NICKERSON and had the time changed to 3:00 p.m.

d. Petitioner rearranged his schedule, was in Court at 3:00 p.m., was seen there by other attorneys and both clerks of Judge NICKERSON, and when neither K&R, nor its claimed ["phantom"] stenographer appeared, petitioner "time clocked" himself out at 3:22 p.m.

e. Again ex parte, K&R saw Judge NICKERSON, and petitioner was notified on Wednesday, May 29, 1985 that such deposition would now take place at 10:00 a.m. the following day, Thursday, May 30, 1985.

f. Immediately upon receipt of such notice, petitioner notified K&R that he was scheduled to proceed to trial in a state court. He also executed an affidavit of actual engagement, which was immediately served and filed, with a courtesy copy to His Honor.

Indeed, petitioner did actually proceed to trial in the state tribunal.

g. Despite the fact that both Judge EUGENE H. NICKERSON and K&R knew that petitioner had been scheduled to proceed to trial on Thursday, May 30, 1985 in a state court, and actually did so, on Monday, June 3, 1985, His Honor signed an Order to Show Cause why petitioner and his client should not be "held in contempt", for their "wilful and intentional default" on May 30, 1985.

h. Service of such Order to Show Cause could be made by [regular] mail, as late as Tuesday, June 4, 1985, with petitioner's response to be served personally on K&P by Thursday, June 6th, 1985 by 4:00 p.m.

It was therefore within the realm of reasonable possibility that petitioner's opposing papers were due before he even saw such Order to Show Cause.

i. On page eight (8) -- page 8 -- of the supporting affidavit -- and at no place earlier -- penal sanctions were sought by K&R for petitioner's alleged "wilful default" on May 30, 1985.

j. Notwithstanding the almost impossible task imposed by Judge EUGENE H. NICKERSON, petitioner fulfilled the requirements as set forth in such Order to Show Cause, with a blistering opposing affidavit which in part read:

> "In view of the apparent penal nature of this proceeding, deponent asserts the privileges contained in Amendment V of the United States Constitution. Deponent also respectfully requests that any hearing include the claim of the deprivation of 'equal protection' ".

k. With opposing papers before His Honor, on Friday, June 7, 1985, the return date of such Order to Show Cause, without any trial, hearing, allocution, nor anything else, Judge EUGENE H. NICKERSON, that same day, signed a K&R, long form Order, holding petitioner and his client in "criminal, as well as civil, contempt" for failure to appear on April 25, 1985 and May 30, 1985, Rule 42b of the Federal Rules of Crim. Procedure, to the contrary notwithstanding.

l. Instructively, at the time K&R commenced such supplementary proceedings against petitioner and his client for $9,300 each, without any demand, it had in hand two (2) financial reports revealing that Raffe's assets were about $10,000,000 and identified his banking associations.

m. It also served upon various financial institutions two hundred (200) subpoenas each one restraining twice the amount of the judgment (CPLR §5222[b]), or about $4,000,000 on such $9,300 judgment and had also restrained petitioner's bank assets.

o. There can be no question that Judge EUGENE H. NICKERSON did not have the jurisdictional power to impose a judgment of non-summary criminal contempt, nunc pro tunc, for petitioner's failure to appear on April 25, 1985 and May 30, 1985, even if such default did occur.

A person is entitled to known beforehand the criminal consequences of his non-appearance, assuming arguendo petitioner did default.

p. There can be no question that Judge EUGENE H. NICKERSON did not have the jurisdictional power to hold in non-summary criminal contempt, when the first notice of same was on page 8 of the moving affidavit, and only in the form that penal sanctions were desired.

q. There is no question that having a response from the petitioner, which did not include the plea of "guilty" as a matter of ministerial compulsion, petitioner was entitled to a trial or hearing.

r. In any event, for such a judgment for criminal contempt, Judge EUGENE H. NICKERSON had to take testimony, even if His Honor had found, which His Honor did not, that petitioner had constitutionally waived his right to be present, which petitioner did not.

s. Judge NICKERSON also knew that K&R could not show criminal contempt, even if the trial was by an unopposed inquest, and thus His Honor ignored this fundamental requirement in issuing a judgment of conviction.

t. Instructively, for almost one and one-half (1 and 1/2) years, Judge NICKERSON had actual knowledge that K&R had engineered the larceny of Puccini's judicial trust assets, and nevertheless charted a steady and direct judicial course to aid, abet, and reward same.

11. On appeal, in a futile attempt to contrive jurisdiction, the Circuit Court held petitioner's "jurisdictional objection to the contempt order [to be] groundless"; that they were "particularly unimpressed with petitioner's excuses for his "numerous defaults"; and that they "reviewed appellants' claim that criminal contempt entitles them to a hearing and find no merit to appellants' procedural objections, in view of their failure to respond adequately to Judge Nickerson's order to show cause ..."

a. What defaults? When only two (2) defaults were claimed at nisi prius, how could there be an assertions of "numerous defaults" by the Circuit Court of Appeals?

b. What excuses did petitioner tender except an affidavit of actual engagement, on a less than one (1) day notice to appear for a deposition, after K&R, not petitioner, defaulted!

c Where there is no plea of guilty, can Judges FEINBERG, KAUFMAN, and MESKILL find a single federal judge in the entire United States who would testify in open court that petitioner was not entitled to a trial or hearing when the charge is non-summary criminal contempt?

d. Can Judges FEINBERG, KAUFMAN, and MESKILL find a single federal judge in the entire United States who would testify in open court that petitioner could not assert his 5th Amendment rights where the accusation seeks penal consequences?

e. Everyone, but everyone, including the learned jurists of the Circuit Court of Appeals for the Second Circuit know that as long as the accused does not utter or write the words "guilty", as a matter of ministerial compulsion, requiring no discretion whatsoever, the accused is entitled to a trial before he is found guilty, even if he voluntarily absents himself from such trial!

The proposition is sufficiently basic that neither Judge FEINBERG, Judge KAUFMAN, Judge MESKILL, nor Judge NICKERSON, would dare, in a public forum or courtroom, deny same.

f. There can be no question that Judge FEINBERG, Judge KAUFMAN, Judge MESKILL, and Judge NICKERSON each know that Congress, by the Act of March 2, 1931, took away any power they might claim to have to convict anyone for non-summary criminal contempt, without a trial or hearing, and then disbar him for such sham conviction.

g. In haec verba, the opinion of the Circuit Court of Appeals, dated September 13, 1985 (85-7471), reads as follows:

> "Because the basis of the contempt order was appellants' failure to respond to orders requiring their testimony, not the non-payment of the judgment, appellants' jurisdictional objection to the contempt order is groundless. Furthermore, we find appellants' claims that they made full payment prior to the contempt order unsupported by the record.

We are particularly unimpressed with appellants' excuses for their numerous defaults and their attempts to shift the burden to appellees on the basis of one late appearance by their counsel.

Finally, we find Judge Nickerson's contempt order appropriate under the circumstances. We have reviewed appellants' claim that criminal contempt entitles them to a hearing and find no merit to appellants' procedural objections, in view of their failure to respond adequately to Judge Nickerson's order to show cause and the statement in Mr. Sassower's affidavit dated June 6, 1985, that no personal appearance was necessary.

We have considered all of appellants' arguments and find them to be without merit."

h. Congressman James Buchanan, thereafter the 15th President of the United States, would be simply appalled to learn that the judiciary could resurrect the disbarment power for contempt, by a two-step procedure, by making the contempt order non-controvertible, in a subsequent disciplinary proceeding!

12. Consequently, the manifest intent of the Act of March 2, 1831 compels this Honorable Court to prohibit the Circuit Court from considering the federal contempt conviction against petitioner, in the pending disbarment proceeding in that Court.

13. Significantly, the monetary fines imposed by Judge NICKERSON upon Raffe and his corporations, "payable to the Court", found their way into the private pockets of K&R.

RECUSAL:

14a. The judiciary, state and federal, over the past three (3) years have done absolutely nothing to "clear their own house" and/or to sever their relationships with these "criminal fixers".

b. Salvation, the local judiciary believe, lies in bigger and more draconian fines and penalties, under guise of contempt and attorneys' fees.

c. Respect for legal history support petitioner's view that various state and federal jurists should be impeached, to insure that petitioner is "the last victim" (Nye v. United States, supra, at 46).

d. Equality under the law, demands that even the lawmakers be punished for their transgressions.

e. Those who petitioner accuses, as is petitioner's right (Garrison v. Louisianna, 379 U.S. 64) cannot be his judges, particularly in contempt proceedings (In re Murchison, supra), where alternative tribunals are readily available.

DOUBLE JEOPARDY, DOUBLE PUNISHMENT, RETALIATION:

15a. Petitioner has been compelled to seek relief under the provisions of the bankrupcy law as a result of the in terrorem practices of his adversaries.

b. Trial and confrontation rights are of little value when vindications lead only to repetitive proceedings, in geometric fashion.

c. Consequently, even an affirmance, on the grounds set forth by nisi prius in Sassower v. Sheriff (supra), and a subsequent vindication are of little value, if the result is, as in the past, new contempt proceedings.

DISQUALIFICATION OF THE U.S. ATTORNEY:

16a. No litigant should be deprived of counsel of his choice, but in reality the federal judicial respondents have not chosen the U.S. Attorney. It is an attorney who is given to them by reason of their position, free of charge.

b. It is the same attorney, the U.S. Attorney, who represents the sovereign in criminal proceedings, and to whom information is funneled by the public, including the petitioner.

c. There simply is no right to petition government, as guaranteed by the First Amendment, when confidential facts are thereafter employed to defeat the rights of those who petition.

d. Certainly, the government and/or the federal respondents can find untainted counsel for the judiciary!

REASONS FOR GRANTING THE WRIT

1a. Except to resort to the Congress for corrective actions against the abuse of the judicial contempt power, there is no other reasonable remedy available.

b. In the Matter of Snyder (472 U.S. 634), this Court vindicated those who advocate a self-correcting process, which has been lost at bar.

c. No attorney, after thirty-seven (37) years at the bar should be deprived of his professional standing with this Court simply because he does not believe that corruption are the "coins of the judicial realm", all without a single bite at the apple.

d. If anyone contends that petitioner was guilty of non-summary criminal contempt before Judge EUGENE H. NICKERSON, this petition does not pretend to deny to such person of the right to prove same at a hearing held in accordance with constitutional mandate.

2a. Where petitioner has been made the subject of twenty-five (25) contempt proceedings in one year, incarcerated three (3) times, and other in terrorem tactics, driving him to the wall and into bankrupcy, the issues of "double jeopardy", "double punishment", "invidious and selective prosecution" must be determined by the courts below.

b. Prohibition (and mandamus) and the traditional remedies where "double [multiple] jeopardy" interests are involved.

3. Representation of the federal respondents by the U.S. Attorney, so fundamentally destroys petitioner's First Amendment rights respondents as to mandate immediate injunctive relief, which petitioner intends to seek.

4a. Apparently totally ignored in all reported cases are the interests of third parties in these disbarment proceedings, where competency is not the issue.

b. The clients of Robert Snyder, Esq. had 6th Amendment rights, which apparently the Circuit Court totally ignored.

c. Certiorari, after the disbarment order is entered simply does not satisfy the constitutional interests of third parties or the "machinery of justice".

d. There simply is no adequate relief, except by this extraordinary writ.

* * *

Petitioner affirms the above petition, under penalty of perjury.

Dated: April 23, 1987

GEORGE SASSOWER - Petitioner

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