

In The
SUPREME COURT OF THE UNITED STATES
October Term, 1990
No.

-----x
In re:

GEORGE SASSOWER,
Petitioner.

x-----x
PETITION FOR A WRIT OF PROHIBITION AND MANDAMUS
TO THE CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT
AND THE DISTRICT COURTS FOR THE EASTERN AND SOUTHERN
DISTRICTS OF NEW YORK

x-----x
x-----x
PETITION
x-----x

QUESTIONS PRESENTED

(1) Can the Circuit Court of Appeals for the Second Circuit, the District Courts for the Eastern and Southern Districts of New York, operating in tandem with the New York State courts, constitutionally impair, without due process of law, petitioner's contractual based monetary assets, judgment, liquidated and unliquidated, by denying him access to the courts and/or threatening his obligors not to voluntarily satisfy their contractual obligations?

(2) Can the Circuit Court of Appeals for the Second Circuit, the District Courts for the Eastern and Southern Districts of New York, operating in tandem with the New York State courts, constitutionally engage in the aforementioned conduct, with respect to petitioner's contractual based monetary assets, in retaliation for petitioner's exposure of state and federal judicial corruption?

(3) Should extraordinary relief be granted to petitioner, a person who has very substantial monetary assets, contractual and otherwise, but because of his exposure of judicial corruption, is compelled to sustain himself on a quasi-poverty level, must make repeated in forma pauperis applications, in this and other courts, and even when in forma pauperis applications are granted, has insufficient funds for copying and similar legal overhead expenses?

(4) Pending relief, should this Court, as well as the Circuit Court of Appeals for the Second Circuit, the District Court for the Southern and Eastern Districts of New York, be estopped from denying to petitioner in forma pauperis relief, and be estopped from any 28 U.S.C. §1915 review?

THE PARTIES

GEORGE SASSOWER
Petitioner
16 Lake Street
White Plains, N.Y. 10603
(914) 949-2169

Hon. JAMES L. OAKES
CCA : Second Circuit
40 Center Street,
New York, N.Y. 10007
(212) 791-1038

Hon. CHARLES L. BRIEANT
U.S.D.C.: S.D.N.Y.
101 East Post Road,
White Plains, N.Y. 10601
(914) 683-9567

Hon. THOMAS C. PLATT
U.S.D.C. : E.D.N.Y.
225 Cadman Plaza East
Brooklyn, N.Y. 11201
(718) 330-7575

LEE FELTMAN, Esq.
Court Appointed Receiver
Puccini Clothes, Ltd.
645 Fifth Avenue,
New York, N.Y. 10022
(212) 371-8630

Hon. ROBERT ABRAMS
Statutory Fiduciary
Puccini Clothes, Ltd.
The Capitol
Albany, N.Y. 12224
(518) 474-2121

TABLE OF CONTENTS

Questions Presented	i
The Parties	ii
Table of Contents	iii
Table of Authorities	iii
Opinions Below	1
Jurisdiction	1
Constitutional-Statutory Provisions	1
Statement of the Case	2
Reasons for Granting the Writ	8
Certificate of Service	8

TABLE OF AUTHORITIES

Bloom v. Illinois 391 U.S. 194 [1968]	6
Bounds v. Smith 430 U.S. 817 [1977]	8
Klapprott v. U.S. 335 U.S. 601 [1949]	6
Mallard v U.S. District Court U.S. , 109 S.Ct. 1814 [1989]	8
Murray v. Charleston 96 U.S. 432 [1878]	4
Nye v. U.S. 313 U.S. 33 [1941]	6

OPINIONS BELOW

This is an original proceeding and therefore not applicable.

JURISDICTION

- (i) Not Applicable.
- (ii) Not Applicable.
- (iii) Not Applicable
- (iv) 28 U.S.C. §1651[a].

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article III of the U.S. Constitution provides:

"§1 The judicial power of the United States, shall be vested in one Supreme Court
§2[1] The judicial power shall extend in all cases, in law and equity, arising under this Constitution".

2. Article 1, §10[1] of the U.S. Constitution provides:

"No state shall ... make ... any ... law, impairing the obligation of contracts"

3. The First Amendment of the U.S. Constitution provides:

"Congress shall make no law respecting ... abridging the freedom of speech ... or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

4. The Fifth Amendment of the U.S. Constitution provides:

"No person shall ... be deprived of ... liberty, or property, without due process of law ...".

5. 28 U.S.C. §1651[a] provides:

"The Supreme Court ... may issue all writs necessary or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of law."

STATEMENT OF THE CASE

1. Petitioner has contractually based monetary assets in PUCCINI CLOTHES, LTD. and elsewhere.

a. As against Puccini, a solvent but involuntary dissolved corporation, petitioner's contractually based monetary assets include: (i) a money judgment; (ii) liquid claims, but not reduced to judgment; and (iii) unliquidated claims, as follows:

(i) A contractually based judgment in the sum of \$27,912.42, with interest, or about \$50,000;

(ii) An unliquidated, but contractually based, claim of \$3,000,000;

(iii) A contractually based attorney's lien on a judgment of HYMAN RAFFE ["Raffe"] against Puccini in the sum of \$475,425.86, with interest;

(iv) A contractually based attorney's lien on a subrogated claim of Raffe against Puccini, based on Raffe's satisfaction of a judgment rendered against him in the approximate sum of \$32,000, with interest.

b. A.R. FUELS, INC., a corporation wherein Raffe is the majority and controlling stockholder, conceded in a judicial proceeding that it owes petitioner at least \$120,000 for non-Puccini, contractually based, legal services.

c. For contractually based legal services in the Puccini matter, Raffe is very heavily indebted to petitioner.

d. LEE FELTMAN, Esq., the court-appointed receiver for Puccini, seized petitioner's bank deposited assets in order to satisfy a phantom, non-existent, judgment and is liable to petitioner in restitution.

2. These contractually based monetary debts have been due and owing to petitioner for more than five (5) years, but he has, during such time, effectively been denied access to the courts, state or federal for the purpose of converting such assets to cash on hand.

3a. Without any motion, without any order to show cause, without any moving affidavit, affirmation or accusatory document, without any opposing papers, without any trial or 'live' testimony and without even a pretense of due process, New York State Supreme Court Justice IRA GAMMERMAN imposed non-criminal contempt sanctions against petitioner.

b. The criminal contempt sanctions imposed by Mr. Justice Gammerman upon petitioner, under such no due process scenario, included the dragooning to himself all state judicial proceedings, including those actions and proceedings wherein Mr. Justice Gammerman was an active defendant or a Dennis v. Sparks (449 U.S. 24 [1980]) essential witness.

c. After Mr. Justice Gammerman dragooned all state proceeding involving petitioner to himself he, sua sponte, stayed same, and they have remained stayed and unadjudicated for many years.

d. Relief from the aforementioned Judge Gammerman no due process edict has been unavailable to petitioner in the state and federal courts, consequently petitioner's actions and proceedings have been lying dormant Article 1, §10[1] of the U.S. Constitution notwithstanding (Murray v. Charleston, 96 U.S. 432 [1878]).

4a(1) Under an essentially similar no due process scenario, U.S. District Court Judge WILLIAM C. CONNER, of the Southern District of New York, issued an injunction against petitioner which had the same result in the federal judicial forum, as edict of Mr. Justice Gammerman had in the state forum.

(2) Such injunction was issued in an action wherein petitioner was not a party, where his interests were not in issue, nor was he permitted to appeal.

b. Whatever was not covered by such unlawful Judge Conner injunction, Judge Conner as well as Mr. Justice Gammerman have stonewalled relief by "fixing" their colleagues (see Sassower v. Brieant, Docket No. 90-6261).

c(1) As more fully set forth in Sassower v. Brieant (supra), in November of 1987, petitioner obtained a copy of a "Fixing Memorandum" from Judge Conner to U.S. District Judge CHARLES S. HAIGHT, JR. with respect to an action and proceeding pending before Judge Haight.

(2) Consequently, petitioner amended his complaint, as "of course", by adding Judge Conner as a Dennis v. Sparks (supra) defendant.

(3) Although petitioner's action was still before Judge Haight, and always was, Chief U.S. District Judge CHARLES L. BRIEANT of the Southern District of New York, sua sponte, without any due process whatsoever, issued an edict dismissing petitioner's action, and provided that any legal paper that petitioner hereinafter desired to file in the Southern District, needed judicial permission.

(4) The day following the Chief Judge Brieant intrusive dismissal of the Judge Haight action, Chief Judge Brieant issued a similar sua sponte edict directed to the bankruptcy court, and effectively ordered that court to close out petitioner's proceeding pending therein.

(5) Thereafter, again without any notice or due process, Chief Judge Brieant, physically excluded petitioner from the Federal Building and Courthouse in White Plains, New York.

(6) As Sassower v. Brieant (supra) reveals, even when relief is irresistibly compelled, permission it is denied. Thus, petitioner was denied permission to commence an action to nullify the without due process edicts of Chief Judge Brieant, including the one which physically excludes petitioner from the Federal Building and Courthouse in White Plains, N.Y.

5. While such despotic and corrupt actions of Chief Judge Brieant and Judge Conner do provide petitioner with additional material to support his assertions of judicial misconduct, petitioner is unable to sustain himself or litigate except through borrowings, which have become more difficult, more embarrassing, and more time consuming.

6a. In other attempts to compel petitioner to succumb, he has been repeatedly found guilty of non-summary criminal contempt, fined and/or incarcerated, without a trial, without the opportunity of a trial, and without 'live' testimony in support of such convictions by the state and federal courts, Bloom v. Illinois (391 U.S. 194 [1968]); Klapprott v. U.S. (335 U.S. 601 [1949]); and Nye v. U.S. (313 U.S. 33 [1941]) notwithstanding.

b. Raffe, however, petitioner's former client, finally succumbed, and for, inter alia, the payment of many millions of dollars to the cronies of the judiciary, he was never incarcerated.

c(1) Where fine monies were specifically ordered to be paid "to the [federal] court", Raffe was compelled to pay them instead to the cronies of the judiciary at pains of being incarcerated if he did not.

(2) As long as Raffe obeys the desires of Feltman's law firm, the written agreement provides, he will not be incarcerated. Consequently, neither Raffe nor his corporation, pay the monies they admit owing petitioner for fear of Raffe's incarceration under trialess convictions.

d(1) Raffe were also required to deposit, under pains of incarceration, with the County Clerk, New York County, the sum of \$45,717.40, in order to satisfy petitioner's aforementioned judgment against Puccini.

(2) However, in order for petitioner to obtain such monies, he must comply with a without due process edict of Referee DONALD DIAMOND ["Diamond"] which reads:

"ORDERED, that the Receiver for Puccini Clothes, Ltd. shall in turn deposit such amount with the Clerk of the Court in full payment of the Judgment in favor of George Sassower and against Puccini Clothes, Ltd., subject to the further Order of this Court; and it is further

ORDERED that thereafter an application may be made to the undersigned [Referee DONALD DIAMOND] for an Order directing the Clerk of the Court to deliver the proceeds of the Judgment to George Sassower, by setting forth proof of the discontinuance with prejudice of all outstanding judicial and administrative proceedings and lawsuits brought by or on behalf of George Sassower, or any member of the family of George Sassower, or any person claiming to be a client of disbarred attorney George Sassower, including but not limited to Harold Cohen and Dennis Vilella, or in any instance where any summons, process or paper has been issued by disbarred attorney Sassower, as attorney, as attorney pro se, or as a party pro se, against any one or more of the following: Lee Feltman, Esq., individually or as the Receiver for Puccini Clothes, Ltd., Puccini shareholders Eugene Dann, Robert Sorrentino, Jerome H. Barr and Citibank, N.A. as co-executors of the Last Will of Milton Kaufman, Rashba & Pokart, Feltman, Karesh, Major & Farbman, Kreindler & Relkin, P.C., Nachamie, Kirschner, Levine & Spizz, P.C., Ira Postel, Esq., or any attorney, employee or agent of any of the aforesaid firms; ... "

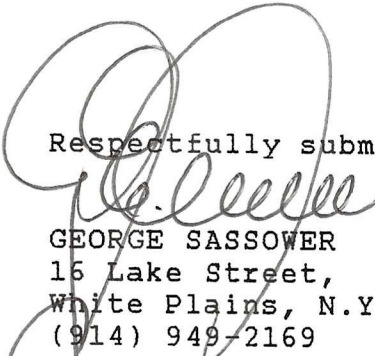
(3) Conditioning receipt of monies to satisfy petitioner contractually based monetary judgment on the execution of releases by petitioner and his former clients in favor of those who made the judicial trust assets of Puccini the subject of massive larceny and unlawful plundering, is outrageous, as well as manifestly unconstitutional (U.S. Constitution Art. 1, §10[1], Amendment V).

REASONS FOR THE GRANT OF THIS WRIT

The threshold relief requested herein should be granted on an expedited basis (Mallard v U.S. District Court, 490 U.S. , 109 S.Ct. 1814 [1989]), which will permit petitioner the financial wherewithal to pay lawful fees due and the ability to make a proper judicial presentment in this Court (Bounds v. Smith, 430 U.S. 817, 826 [1977]).

Dated: December 26, 1990

Respectfully submitted,

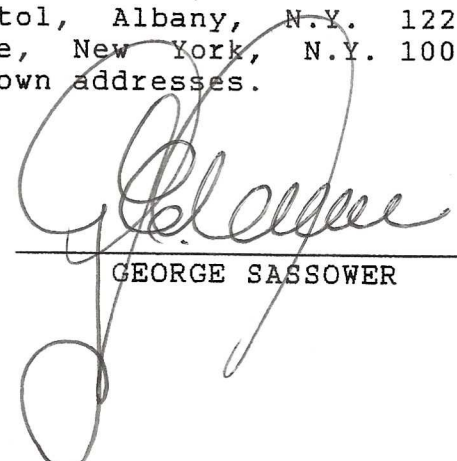


GEORGE SASSOWER
16 Lake Street,
White Plains, N.Y. 10603
(914) 949-2169

CERTIFICATION OF SERVICE

On January , 1991, I served a true copy of this Petition by mailing same in a sealed envelope, first class, addressed to the Solicitor General, Department of Justice, Washington, D.C. 20530; Chief U.S. Circuit Court Judge James L. Oakes, Circuit Court of Appeals, Second Circuit, 40 Center Street, New York, N.Y. 10007; Chief U.S. District Judge Charles L. Brieant, U.S. District Court, 101 East Post Road, White Plains, N.Y. 10601; Chief U.S. District Judge Thomas C. Platt, 225 Cadman Plaza East, Brooklyn, N.Y. 11201; N.Y. State Attorney General, Robert Abrams, The Capitol, Albany, N.Y. 12224; Lee Feltman, Esq., 645 Fifth Avenue, New York, N.Y. 10022, the aforementioned being their last known addresses.

Dated: January , 1991



GEORGE SASSOWER