

No.

In the
SUPREME COURT OF THE UNITED STATES
October Term, 1989

-----x
In the Matter of the Petition of

GEORGE SASSOWER,

Petitioner,

-against-

DENIS DILLON, THE STATE OF NEW YORK, and
DENNIS F. VILELLA,

Respondents.
-----x

x-----x

PETITION FOR CERTIORARI
to the
APPELLATE DIVISION OF THE SUPREME COURT OF THE
STATE OF NEW YORK : SECOND JUDICIAL DEPT.

x-----x

x-----x

MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS
SUBJECT TO A RULE 44 DETERMINATION
IN SASSOWER v. FELTMAN, ET. EL.

x-----x

GEORGE SASSOWER
Attorney for Petitioner,
Pro se
16 Lake Street,
New York, New York 10603
914-949-2169

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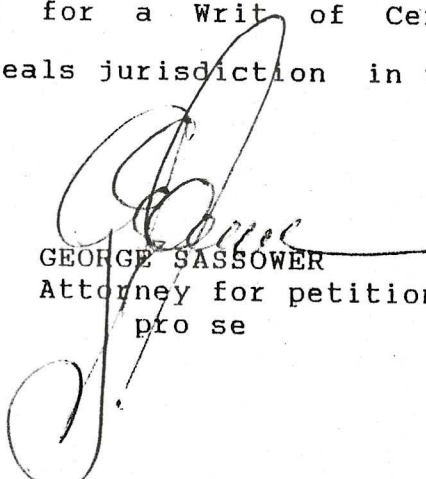
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MOTION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS SUBJECT TO A RULE 44 DETERMINATION
IN SASSOWER v. FELTMAN, ET. EL.
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Petitioner, GEORGE SASSOWER, moves this Honorable Court for an order permitting him to proceed in this Court, in forma pauperis, with respect to his Petition for a Writ of Certiorari in this matter pursuant to the provisions of Title 28, United States Code, and Rule 46 of the Rules of this Court, and in support thereof attaches the affirmation of your petitioner.

This in forma pauperis application is made subject to a determination by this Court of petitioner's Rule 44 stay in Sassower v. Feltman, et. el., which if granted, will make unnecessary in forma pauperis relief, since in that case petitioner will have the necessary funds to pay the fees due this Court.

The Petition for a Writ of Certiorari, filed simultaneously herewith, reveals jurisdiction in this Court and merit.

Dated: September 8, 1989


GEORGE SASSOWER
Attorney for petitioner,
pro se

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PETITION FOR CERTIORARI
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IN FORMA PAUPERIS AFFIDAVIT
x-----x

I, GEORGE SASSOWER, in support of my motion to proceed, on this Petition for a Writ of Certiorari, without being required to prepay fees, costs or give security therefor, state that because of poverty I am unable to pay the costs of said proceeding or to give security therefor; that I am entitled to redress; and that the issues which I desire to present are set forth in my accompanying Petition for a Writ of Certiorari, being simultaneously filed.

I further affirm that the responses which I have made to the questions and instructions below relating to my ability to pay the cost or prosecuting the appeal are true.

I further affirm that in the event my Rule 44 motion contemporaneously being filed in this Court in Sassower v. Feltman, et. el., is granted, I will then be able to pay such fees as are required by the rules of this Honorable Court and will pay same.

There was no need to pay any fees in the state courts, nor did I pay any. Consequently in forma pauperis relief was not there requested.

1Q. Are you presently employed?

A. I am not presently employed. Except for a few years after World War II, I have always been self-employed. The date of my last employment was about forty (40) years ago at which time I received about one hundred thirty dollars (\$130) per month.

2Q. Have you received within the past twelve months any income from a business, profession or other form of self-employment, or in the form of rent payments, interest, dividends, or other source?

A. The date of my last income was from self-employment and was in or about October of 1988. The gross amount from such self-employment averaged about \$500 per month during the preceding year. Except for social security payments of \$332.00 per month, which I am now receiving, I have received no other income.

3Q. Do you own any cash or checking or savings accounts?

A. The amount of cash that I have on hand is nil, I have no savings accounts. In my checking account, which is supposed to last me until my social security check next month, I have about \$170. As against such minimal liquid assets I have substantial liabilities, all legitimately and reasonably incurred.

4Q. Do you own any real estate, stocks, bonds, notes, automobiles, or other valuable property (excluding ordinary household furnishings and clothing).

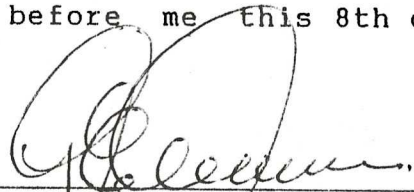
A. None, except for monies due me pursuant to a judgment and various claims, liquid and unliquidated, which I am unable to collect for reasons set forth in my Rule 44 motion and my Petition for a Writ of Certiorari.

5Q. List the persons who are dependent upon you for support and state your relationship to those persons.

A. My youngest daughter, Lizbeth A. Sassower, but I am not supporting her because of my present financial situation.

I understand that a false statement in this affirmation will subject me to penalties for perjury.

SUBSCRIBED AND SWORN TO before me this 8th day of September, 1989.



GEORGE SASSOWER

CERTIFICATION OF SERVICE

On September 10, 1989, I served a copy of the within Motion and supporting papers for leave to proceed in forma pauperis on Hon. DENIS DILLON, at County Court House, 262 Old Country Road, Mineola, N.Y. 11501; THE STATE OF NEW YORK, c/o Hon. ROBERT ABRAMS, Attorney General, at The Capitol, Albany, N.Y. 12224; and Mr. DENNIS F. VILELLA, #87A9590, 354 Hunter Street, Ossining, New York 10562-5442.

LIZBETH A. SASSOWER