

In The  
SUPREME COURT OF THE UNITED STATES  
October Term, 1990  
No. 90-

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GEORGE SASSOWER,

Petitioner-Petitioner,

-against-

Hon. A. FRANKLIN MAHONEY, as Presiding  
Justice of the Appellate Division, Third  
Judicial Dept.; WILFRED FEINBERG; EUGENE  
H. NICKERSON; FRANCIS T. MURPHY; MILTON  
MOLLEN; XAVIER C. RICCOBONO; ALVIN F.  
KLEIN; DAVID S. SAXE; IRA GAMMERMAN; Hon.  
ALLAN L. WINICK; DENIS DILLON; ROBERT  
ABRAMS; ANTHONY MASTROIANNI; and The  
DISTRICT COURT OF NASSAU COUNTY.

Respondents-Respondents.  
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PETITION FOR A WRIT OF CERTIORARI  
TO THE CIRCUIT COURT OF APPEALS FOR THE  
SECOND CIRCUIT

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PETITIONER'S MOVING AFFIRMATION

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This affirmation is made in support of a motion  
to:

1. declare null, void, and of no effect all the  
non-summary criminal contempt convictions of petitioner, all of  
which were rendered (1) without a trial, (2) without an  
opportunity of a trial, and (3) without any live testimony in  
support thereof, and/or to direct the U.S. Circuit Court of  
Appeals for the Second Circuit and/or U.S. District Court to  
enter orders to that effect;

2. direct that all monies payable, in haec  
verba, "to the federal court", but diverted to private parties,  
be turned over by those private parties to the Clerk of this  
Court;

3. direct that All monies paid by HYMAN RAFFE to private parties in consideration for not being incarcerated under a criminal conviction and a Report recommending that he be incarcerated for criminal conduct, also be turned over by those private parties to the Clerk of this Court.

1a. Petitioner, without any due process, has been barred from filing any legal papers in (a) the U.S. Circuit Court of Appeals for the Second Circuit; (b) the U.S. District Court for the Southern District of New York; and (c) the U.S. District Court for the Eastern District of New York without prior judicial permission.

b. Petitioner, without any due process, has been physically barred from the Federal Building and Courthouse in White Plains, New York.

2a. On June 7, 1985, U.S. District Judge EUGENE H. NICKERSON of the Eastern District of New York, without a trial, without the opportunity for a trial, and without any 'live' testimony in support thereof, in one document, found petitioner and Raffe guilty of non-summary criminal contempt, despite their pleas of "not guilty", and imposed herculian fines payable "to the ['federal'] court" by reason of such convictions.

b. Such trialess, manifestly unconstitutional, convictions were affirmed by the Circuit Court, whose panel members included [then] Chief Circuit Court Judge WILFRED FEINBERG, Circuit Judge THOMAS J. MESKILL and Circuit Judge IRVING R. KAUFMAN.

c. Judge Nickerson, Judge Feinberg, Judge Meskill and Judge Kaufman knew, as does every federal judge, that trialess convictions for non-summary criminal contempt are beyond the jurisdictional power of the U.S. District Court and U.S. Circuit Court of Appeals, both of which were created by Congress and limited the powers of the courts it created in this respect (Nye. U.S., 313 U.S. 33, 45-46 [1941]).

3a. The aforementioned trialess convictions by Judge Nickerson, and the Circuit Court, was the result of a federal-state conspiracy which included similar trialess convictions by N.Y. State Judge DAVID B. SAXE, N.Y. State Justice ALVIN F. KLEIN, and the trialess Reports of Referee Diamond.

b. The trialess, without 'live' testimony convictions by Judge Saxe and Justice Klein were rendered on June 26, 1985 or less than three (3) weeks after the trialess conviction by Judge Nickerson.

c. The trialess Judge Saxe and Justice Klein criminal convictions carried with them sentences of incarceration, in addition to monetary fines.

d. Judge Saxe and Justice Klein knew, as does every jurist who is a law school graduate, that as a matter of ministerial compulsion, permitting no discretion whatsoever, absent a plea of guilty, no state jurist can convict any person of non-summary criminal contempt without the opportunity of a trial (Bloom v. Illinois, 391 U.S. 194 [1968]).

e. The aforementioned trialess, manifestly unconstitutional, convictions by Judge Saxe and Justice Klein,

were affirmed by the Appellate Division, First Department, as part of this federal-state conspiracy.

4a. The trialess Report of Referee Diamond, rendered on May 1, 1985 or five (5) weeks prior to the Judge Nickerson trialess conviction, was also affirmed by the Appellate Division, as part of this same federal-state conspiracy.

b. However for the payment of "millions of dollars", to the cronies of the federal-state judiciary, the mirrored trialess Report by Referee Diamond against Raffe was never brought on for confirmation, nor was Raffe incarcerated under the trialess conviction of Justice Klein, as was petitioner.

c. According to the written agreement, at long as Raffe keeps paying, and otherwise obeys the requests of the cronies of the judiciary, the trialess Report of Referee Diamond will not be brought on for confirmation.

d. In Raffe's precise words "they are bleeding me to death", but he must pay such extortion monies to avoid incarceration and other draconian consequences.

5a. Under the trialess convictions of Judge Nickerson, the fine monies imposed upon petitioner and Raffe were made payable, in haec verba, "to the ['federal'] court".

b. Under threats of incarceration, Raffe was compelled to make such payment on his own behalf, and on behalf of petitioner, to private parties instead of "to the federal court".

6. Unless the court directs otherwise, all monies paid as a result of criminal contempt convictions, belong to the

"government" (Gompers v. Buck's Stove, 221 U.S. 418, 447 [1911]) -- to the "sovereign" (Goodman v. State, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 N.E.2d 665 [1972]) -- not in the pockets of the larcenous "cronies" of the New York-Second Circuit judiciary.

7a. N.Y. Supreme Court Justice IRA GAMMERMAN, without any motion, without any order to show cause, without any supporting affidavit, affirmation or accusation, without any trial, without any opportunity for a trial, and without any live testimony, petitioner was found guilty and criminal sanction imposed upon petitioner.

b. These sanctions included the dragooning of all cases and proceedings pending in the state court to the personal bailiwick of Mr. Justice Gammerman, including those cases wherein Mr. Justice Gammerman was a defendant, respondent, or essential witness.

c. Once petitioner's cases were dragooned to himself, Mr. Justice Gammerman stayed same, and they have been lying fallow for more than four (4) years.

d. By a essentially similar no process procedure, petitioner has been denied access to the federal courts.

8. The aforementioned is stated to be true under the penalty of perjury.

WHEREFORE, it is respectfully prayed that affirmant's motion be granted in all respects.

Dated: January 14, 1991

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GEORGE SASSOWER [GS-0521]

CERTIFICATION OF SERVICE

On January 15, 1991, I served a true copy of this Affirmation by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to the Solicitor General, Department of Justice, Washington, D.C. 20530; Atty. Gen. Robert Abrams, The Capitol, Albany, New York 12224; District Attorney, Denis Dillon, 262 Old Country Road, Mineola, N.Y. 11501; Garrett W. Swenson, Jr., Esq., 158 North Country Complex, Hauppauge, N.Y. 11787.

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