In The
SUPREME COURT OF THE STATE OF NEW YORK
October Term, 1990
No. 90-6263

In re
GEORGE SASSOWER,
Petitioner.

PETITION FOR A WRIT OF CERTIORARI
TO THE CIRCUIT COURT OF APPEALS FOR THE
DISTRICT OF COLUMBIA

PETITIONER'S MOTION

THE CASE FOR "IMPEACHMENT" CONSIDERATION OF VARIOUS
NAMED CIRCUIT and DISTRICT COURT JUDGES

This affirmation is made in support of a motion to direct that:

(a) All monies payable "to the federal court", but diverted to private parties, be turned over by those private parties to the Clerk of this Court; and

(b) 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; and

(c) Hon. SOL WACHTLER, Chairman of the Administrative Board for the New York State Courts, Hon. ROBERT ABRAMS, the Attorney General of the State of New York, and LEE FELTMAN, Esq. the court-appointed receiver, be directed to file with the Clerk of this Court a copy of the "final accounting" which was "approved" by Referee DONALD DIAMOND ["Diamond"] for

the judicial trust assets of PUCCINI CLOTHES, LTD., which was involuntarily dissolved on June 4, 1980, and whose assets are held under "color of law"; and

(d) The Clerk of the Circuit Court of Appeals for the Second Circuit file with this Honorable Court the files and documents, or true copies thereof, relevant to petitioner's assertion of "ongoing", "in office", "criminal racketeering activities" by members of the federal judiciary of that circuit.

1a. The accusations set forth herein, are partial, limited to such activities of Article III jurists in the Second Circuit, which can be set forth with relative brevity and which warrant reference to the U.S. House of Representatives for "impeachment" considerations and/or the criminal prosecution.

b. The corruption of federal judges in Third, Fourth, Eighth, Ninth and District of Columbia Circuits by the federal judiciary in the Second Circuit, will be set forth in petitioner's separate petitions in this Court to those Circuits now on file or to be shortly hereafter filed.

2. Aspects of many of the essential allegations of this application have been confirmed by responsible media representatives and, in part, published.

3. The accusations herein are only against Article III members of the federal judiciary in the Second Circuit, who may only serve "during good behavior", and references to other judges and officials are made only to facilitate comprehension.

IMPEACHMENT COUNT I

1a. PUCCINI CLOTHES, LTD. ["Puccini"], a solvent corporation, with creditors throughout the nation, was involuntarily dissolved by the Supreme Court of the State of New York, County of New York, on June 4, 1980.

b. Despite its dissolved status, Puccini remains a "person" within the meaning of Amendments V and XIV of the U.S. Constitution.

c. Upon dissolution, the assets and affairs of Puccini became custodia legis, held under "color of law", within the meaning of 42 U.S.C. §1983.

d. The assets of involuntarily dissolved corporations are for the benefit of its legitimate creditors and stockholders, not carrion to satisfy the monetary appetites of corrupt judges, state and federal, and/or their cronies.

e(1) In every American jurisdiction, a court-appointed receiver -- "an arm of the court" -- must account for his stewardship.

(2) In New York, a court-appointed receiver must account "at least once a year" (22 NYCRR §202.52[e]).

(3) The obligation by a court-appointed receiver to account for his stewardship cannot be waived, excused or enjoined by any court, judge or official, even with the consent of all those having a vested interest in the assets of a judicial trust, since the public, as well as the helpless judicial trust,

have a right to know, through an accounting, the fiscal management practices of the judiciary and that of its appointees.

(4) Despite the aforementioned non-discretionary legal mandates, the court-appointed receiver for Puccini has never filed an accounting since it was involuntarily dissolved, more than ten (10) years ago.

(5) The "final accounting" submitted for "approval" by LEE FELTMAN, Esq. ["Feltman'] to Referee Diamond, and thereafter "approved" by him, was "phantom" -- it does not and never did exist.

f. The clear, documented and uncontroverted evidence is that all of Puccini's judicial trust assets were made the subject of massive larceny and unlawfully plundering by the cronies of the judiciary, state and federal, and the legitimate creditors and stockholders, including petitioner, received nothing.

2a. ROBERT ABRAMS, Esq. ["Abrams"], the New York State Attorney General ["NYSAG"], is a necessary party in an involuntary dissolution proceeding, and becomes the statutory fiduciary when a dissolution decree is entered.

b. Abrams was the NYSAG on June 4, 1980, continuously ever since, and is the NYSAG at the present time.

c. The NYSAG, as the statutory fiduciary, has extensive discretionary powers (e.g. NY Gen. Bus. Corp. Law §1214[a]), and some mandatory "duties" (e.g. NY Gen. Bus. Corp. Law §1216[a]).

d(1) The "duty" of the NYSAG to make a judicial application to compel a court-appointed receiver to account is mandatory after the expiration of eighteen (18) months (NY Gen. Bus. Corp. Law §1216[a]), which "duty" does not permit even a modicum of discretion.

(2) However, in the more than ten (10) years since Puccini was involuntarily dissolved, not a single application for an accounting has been made by Abrams or his office.

(3) Indeed, Abrams and his office have resisted and opposed any application made by stockholders or creditors which sought an accounting for and on behalf of Puccini.

e(1) Abrams and the NYSAG, as a matter of law, owe their statutory judicial trust "undivided loyalty", and no conflicting representation may be undertaken by Abrams and his office.

(2) Notwithstanding the obligation for "undivided loyalty", Abrams and his office have consistently taken adverse positions to Puccini, opposed restitution to Puccini, and also represented those state jurists and officials accused of participating in such larceny and plundering.

(3) Such conflicting representation by Abrams and his office, invariable contrary to Puccini's interests, has taken place in the federal courts in the Second, Third, Fourth and District of Columbia Circuits, as well as the state courts of New York.

f. Similarly, the court-appointed receiver and/or his law firm, and the other court-appointed fiduciaries, have

consistently been permitted to take a position adverse to their judicial trust and opposed an accounting or restitution to Puccini in the Second, Third, Fourth and District of Columbia Circuits, as well as the state courts of New York.

g. In media publications Puccini has been correctly described as "The Judicial Fortune Cookie".

3a. Petitioner, a creditor of Puccini, judgment and otherwise, contractual and otherwise, also holds an equitable stock interest in Puccini, has an independent constitutional and statutory right to demand a court-appointed receiver to account for his stewardship (U.S. Constitution, Amendment V and XIV, NY Bus. Corp. Law §1216[a]).

b. HYMAN RAFFE ["Raffe"], a substantial stockholder and creditor of Puccini, also has an independent constitutional and statutory right to demand a court-appointed receiver to account for his stewardship.

c. The rights of those who have legally protected interests in a judicial trust, such as petitioner and/or Raffe, cannot be deprived of their right to demand an accounting by any court, judge or official, particularly where, as here, such right is guaranteed by statutory enactment (Bus. Corp. Law §1216[a]).

4a. The clear, documented and uncontroverted evidence reveals that all Puccini's judicial trust assets were made the subject of massive larceny engineered by CITIBANK, N.A. ["Citibank"] and its attorneys, KREINDLER & RELKIN, P.C. ["K&R"].

b. Feltman, the court-appointed receiver, agreed to conceal such larceny and make no attempt at recovery on behalf of

the judicial trust, in exchange for the personal receipt of the balance of Puccini's tangible trust assets.

c. Since a court-appointed receiver's maximum compensation is established by statute (NY Bus. Corp. Law §1217), which maximum may not be waived, the co-conspirators agreed that the balance of Puccini's tangible assets would be transferred to the receiver's law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], although they were not required to expend any efforts on behalf of Puccini, and did not.

d(1) Pursuant to such unlawful agreement, Citibank, K&R, FKM&F, and their co-conspirators, inundated the judicial forums with perjurious affidavits and statements vehemently denying petitioner's charges that larceny had taken place.

(2) However, despite such perjurious affidavits, under the aforementioned criminal scenario, Feltman could not account without exposing the true state of affairs, including the corruption of the judiciary and high-level officials.

e(1) Three and one-half (3½) years after the decree of involuntary dissolution was entered, the initial hard evidence of such larceny surfaced, and in the months that followed such evidence reached avalanche proportions.

(2) Whereupon, the co-conspirators, aided and abetted by members of the judiciary, state and federal, conspired to impose upon petitioner, Raffe, and thereafter SAM POLUR, Esq. ["Polur"] and others, a concerted state and federal "reign of judicial terror", to compel submission and silence.

f(1) In September of 1986, after such "reign of judicial terror" obtained substantial success, there was caused to be published in the New York Times and New York Law Journal, legal notices to the effect that a "final accounting" submitted by Feltman, was to be "approved" by N.Y. State Referee Diamond on October 30, 1986.

(2) However, there was no "accounting", final or otherwise, submitted to Referee Diamond or anyone else, then or thereafter.

(3) The "final accounting" intended to be approved by Referee Diamond was "phantom", as confirmed by media representatives.

(4) Petitioner was able to temporarily stonewall these sham "approval" proceedings by filing, a few days beforehand, a petition in bankruptcy which vested his assets, including his contractually based money judgment against Puccini, in the U.S. District Court.

(5) However, in 1989, after petitioner was further plagued with a "reign of judicial terror", and all hope of having petitioner submit to a code of silence abandoned, Referee Diamond acting in concert with, inter alia, the federal judiciary in the Second and Third Circuits "approved" the receiver's "non-existent" "final accounting" and discharged the surety company.

(6) The records of the state courts, the federal courts in the Second and Third Circuits, Abrams office, confirmed

by members of the media, bear witness that such "accounting" "approved" by Referee Diamond, simply does not exist.

g. Involved in preventing restitution to those injured by such larceny and unlawful plundering, including to Puccini, the helpless judicial trust, have been, inter alia, members of the federal judiciary, even at the Circuit Court level of the various circuits, particularly the Second and Third.

5a. Those federal Article III jurists of the Second Circuit criminally involved in larceny and unlawfully plundering of Puccini's judicial trust assets, and/or preventing restitution, and other criminal racketeering activities, including extortion and diverting monies from the federal treasury to private pockets, by specifics hereinafter appearing, include Chief Judge JAMES L. OAKES, Circuit Judge WILFRED FEINBERG, Circuit Judge THOMAS J. MESKILL, Circuit Judge IRVING R. KAUFMAN, Circuit Judge GEORGE C. PRATT, Circuit Judge ROGER J. MINER, Circuit Judge ELLSWORTH A. VAN GRAAFEILAND, Circuit Judge JON O. NEWMAN, Circuit Judge FRANK X. ALTIMARI, Circuit Judge J. EDWARD LUMBARD, Chief District Court Judge CHARLES L. BRIEANT, District Court Judge EUGENE H. NICKERSON and District Court Judge WILLIAM C. CONNER.

b. The misconduct of the aforementioned federal jurists in the Second Circuit should have their activities examined by the U.S. House of Representatives for "impeachment" considerations, since their limitation in office is subject to a "good behavior" requirement (U.S. Constitution, Article III §1).

c. Clearly diverting monies payable, in haec verba, "to the [`federal'] court" to the private pockets of their cronies or actively involving themselves in the larceny of judicial trust assets, is certainly not "good behavior".

IMPEACHMENT CHARGE II

1. On June 7, 1985, U.S. District Judge EUGENE H. NICKERSON, 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.

2. 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.

3. 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.

4(a) The aforementioned federal courts, were specifically denied by Congress of the power to convict anyone of non-summary criminal contempt, without benefit of a trial, absent a plea of guilty (Act of March 2, 1831).

(b) By virtue of the impeachment of U.S. District Judge James H. Peck and the Act of March 2, 1831, this nation was assured that Luke Lawless, Esq. was to be "the last victim" of judicial despotism through the employment of the non-summary criminal contempt power (Nye v. U.S., 313 U.S. 33, 45-46 [1941]).

(c) The assurance of Congressman James Buchanan, thereafter the 15th President of the United States, in and of itself, warrants the impeachment of Judges Nickerson, Feinberg, Meskill and Kaufman.

IMPEACHMENT CHARGE III

1. 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.

2a. 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.

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

c. 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]).

d. 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.

3a. 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(1) 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 and Polur.

(2) According to the written agreement, at long as Raffe keeps paying, and otherwise obeys the requests of FKM&F, the trialess Report of Referee Diamond will not be brought on for confirmation.

(3) 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.

4. The misconduct of Judge Nickerson, Feinberg, Meskill and Kaufman should have their criminal conspiratorial activities, with respect to these trialess state convictions,

forwarded to the U.S. House of Representatives for "impeachment" consideration.

IMPEACHMENT CHARGE IV

1. 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".

2. Under threats of incarceration, Raffe was compelled to make such payment on his own behalf, and on behalf of petitioner, to Citibank and/or K&R instead of "to the federal court".

3. Such criminal diversion of monies from the federal government to K&R and Citibank was ratified by, inter alia, Judges Oakes, Feinberg, Meskill, Kaufman, Pratt, Miner, Van Graafeiland, Newman, Altimari, Lumbard, Brieant, Nickerson and Conner.

4. For their part in this criminal diversion of monies from the federal treasury, the failure and refusal to make recovery of such monies on behalf of the federal government, and/or the obstruction of petitioner's efforts to that end, mandates a reference to the U.S. House of Representatives for "impeachment" consideration.

IMPEACHMENT CHARGE V

1. Under the trialess conviction of Judge Saxe, where only the petitioner was convicted, petitioner served his imposed term of incarceration at the expense of the local "sovereign".

2a. Under the trialess convictions of Justice Klein, in one document, (a) petitioner, (b) Polur and (c) Raffe were

each fined and each sentenced to be incarcerated for thirty (30) days at the expense of the local government.

b. Petitioner and Polur served their full terms, less good time allowance, while Raffe "paid-off" FKM&F, K&R and their co-conspirators and never served any time.

c. 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.

3a. The charge against Polur, in the trialess conviction by Justice Klein, was based solely on a perjurious affidavit of FKM&F that alleged he served a summons on them--nothing more!

b. Others present at the event have refused to confirm such service by Polur, and petitioner has repeatedly stated that it was he, not Polur, that served such summons.

c. Even with FKM&F refusing to deny that such service was made by petitioner, not Polur, Justice Klein denied petitioner's request to release Polur from his incarceration.

d. The incarceration of Polur, at the same time petitioner was incarcerated, was necessary in order to enable K&R, FKM&F and members of the judiciary to unlawfully and unethically negotiate with Raffe without the presence of his attorneys of record.

4. The trialess conviction and incarceration of Polur for an act never committed by him, was part of a criminal conspiracy, with federal judicial involvement therein, for private and corrupt ends, is a matter which must be made known to the U.S. House of Representatives for "impeachment" consideration.

IMPEACHMENT CHARGE VI

1a. The corruptly secured, constitutionally and jurisdictionally infirm, determination of Sassower v. Sheriff, 824 F.2d 184 [2d Cir.-1987] has become the prime vehicle for the corruption of the federal judiciary in the Third, Fourth, Eighth, Ninth and District of Columbia Circuits, by the Second Circuit, although in each of those circuits the Sassower v. Sheriff (supra) decision has been wholly irrelevant.

b. Assuming, arguendo, that Sassower v. Sheriff (supra) determination is valid, criminal contempt convictions--"offenses sui generis" -- are wholly irrelevant where the suit is in contract or where the cause of action arose after such conviction.

c. The irresistibly compelled moral is that no matter how egregiously corrupt, infirm and void a federal decision may be, other federal jurists will not collaterally examine such infirm decision, nullify or disregard it, even when legally mandated.

d. Since such determination has had a decisive and corrupt impact on irrelevant determinations in other circuits, many of them being made the subject of a writ of certiorari in

this Court, a more than summary review is warranted in support of the "impeachable" charges arising therefrom.

2a. Three (3) weeks after failing to secure non-summary criminal contempt convictions against petitioner or Raffe, FKM&F reinstituted such proceedings, although barred by constitutional and statutory double jeopardy.

b(1) By the time the reinstituted non-summary criminal contempt conviction of petitioner reached the federal forum (Sassower v. Sheriff, 651 F. Supp. 128 [SDNY-1986]), double jeopardy had been triggered about twenty (20) times over.

(2) The practice of FKM&F and K&R was that immediately after non-summary criminal contempt charges were dismissed, they were reinstituted in a new proceeding.

c. Thus although petitioner properly raised the issue of double jeopardy, and such fact was noted by the District Court (F. Supp. at p. 130 col. 2t), the issue was academic since the writ was sustained on other grounds. The Circuit Court, in reversing, could not ignore the issue, but did.

3a. In the reinstituted non-summary criminal contempt proceedings against petitioner and Raffe, Administrator XAVIER C. RICCOBONO dragooned them to Referee Diamond, although both Administrator Riccobono and Referee Diamond were active party defendants and respondents in state and federal actions and proceedings brought by them, including a money damage action in the federal court.

b(1) Thus, for example, in the Referee Diamond trialess Reports, petitioner and Raffe were guilty of non-summary criminal

contempt for including him and Administrator Riccobono in such actions and proceedings, including in the federal court.

(2) No state or agent thereof, has the power to punish anyone for seeking relief in a federal judicial forum, as a basic constitutional premise.

c. In short, Administrator Riccobono and Referee Diamond suffered from a jurisdictional disqualification at the time they dragooned this criminal contempt proceeding to themselves.

4a. Notwithstanding petitioner's vested interests in Puccini, he was physically excluded from the otherwise non-public courtroom facilities of Referee Diamond, even before this reinstituted contempt proceedings, a fact mentioned by the District Court (F. Supp. at p. 133 col. 1t), and noted by the Circuit Court (F.2d at p. 187 col. 2f).

b. Although there was no dispute that the criminal proceedings were non-public, with petitioner specifically excluded, the Circuit Court reversed the District Court without ruling on this decisive and uncontroverted issue.

5a. In this reinstituted non-summary criminal contempt proceeding, without a trial, without the opportunity of a trial, and without `live' testimony in support thereof, Referee Diamond found petitioner guilty of sixty-three (63) counts of non-summary criminal contempt and recommended that he be incarcerated.

b(1) Circuit Judge Pratt's published diatribe is inundated with false, contrived, fabricated and concocted

statements, without even a scintilla of evidence in support thereof, including the following statements:

> "Sassower refused to appear at a hearing before the court appointed referee" [p. 185] ... "Sassower was notified by the attorney for the receiver that he was required to appear before the referee for proceedings on the criminal contempt motion and cross-motions." [p. 187]. ... "[Sassower] failed to appear." [p. 187]... "the opportunity for a hearing that was afforded was appropriate under the circumstances" [p. 189]... "Sassower was ... given a reasonable opportunity to be heard" [p. 189] ... "Sassower ... waived that right [to a hearing] by failing to appear" [p. 190] ... "he [Sassower] has repeatedly refused to appear before Referee Diamond" [p. 190] ... "explicitly warned him [Sassower] of the consequences of his failure to appear before the referee" [p. 190]."

(2) The facts are admittedly to the contrary, as the Transcript before the U.S. Magistrate NINA GERSHON ["Gershon"] (Sassower v. Sheriff, F. Supp. at p. 131), reveals (Record on Appeal, pp. 119-120):

> "THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was invited to appear, did appear, waived the right to appear, didn't show up or anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?
>
> MR. SCHNEIDER [FKM&F]: There is nothing in the record ..."

(3) Some of the buffoonery of Referee Diamond was set out by Magistrate Gershon in Her Honor's opinion (at p. 131 col. 1-2):

> "According to Referee Diamond, petitioner's `not guilty' defense raised in his Affidavit in Opposition to the Motion was `tantamount to a general denial of the allegations contained in the petition....' Report, pp.14-15. The Referee found that

> petitioner's `not guilty' defense `does not create a disputed issue requiring a hearing.' Report p. 15. According to Referee Diamond, [n]o hearing' was `held for a confluence of reasons.' Report, p. 5. ... `Mr. Sassower's answer to that complaint establishes there is no need to hold a hearing herein.' Report p. 9.

c. Circuit Judge Pratt attempted to conceal the fact that the Referee Diamond Report proliferates with statements contrary to his published diatribe, such as:

> "a plea of not guilty in a criminal proceedings is tantamount to a general denial in a civil action and raise no triable issue of fact", and
>
> "no trial is necessary because I know that he [petitioner] is guilty".

d. The fact is no federal judge, nisi prius or appellate, in the Second, Third, Fourth, Eighth, Ninth or District of Columbia Circuits has been willing to even disagree with such Referee Diamond-Circuit Judge Pratt buffoonery, even when they believed the determination decisive.

6a. Decisive of the invalidity of the Referee Diamond, not disputed in the Judge Pratt diatribe, is the fact that there was no `live' testimony in support of such conviction.

b. Assuming, arguendo, petitioner and Raffe had intentionally, deliberately and constitutionally waived their right to be present, nevertheless there must be some `live' testimony in support of a criminal conviction, otherwise it is a nullity (Klapprott v. U.S., 335 U.S. 601, 610 [1949]).

c. However petitioner has been unable to have any federal jurist, after Sassower v. Sheriff [F2d] was rendered, to simply state that there is no authority to support the hornbook

proposition that there can be a conviction for a constitutional crime without `live' testimony, absent a plea of guilty.

d. Thus the validity of Sassower v. Sheriff [F2d] survives simply because (1) no federal judge has been willing to question such decision, and (2) petitioner is barred from access to the courts in the Second Circuit in order to invalidate same.

7a. The malicious nature of Circuit Judge Pratt's diatribe surfaces when it is recognized that while it mentions the convictions of petitioner by Judge Nickerson, Judge Saxe and Justice Klein, the Pratt Court omits to state that they were convictions, also trialess, and without any `live' testimony in support thereof, and consequently void.

b. The trialess diatribe of Judge Conner (Raffe v. Doe [619 F. Supp. 891 [SDNY-1986]), in which petitioner was not a party, his interests not in issue nor was petitioner permitted to appeal such injunction order, were facts specifically omitted in the Judge Pratt published defamation.

8a. Deliberately concealed in the Circuit Judge Pratt's published, the papers submitted by FKM&F and Abrams before the District Court, and their papers submitted to the Circuit Court of Appeals, was the disposition of the mirrored trialess Report of Diamond for Raffe.

b. Referee Diamond found petitioner guilty of 63 counts, and Raffe of eight more additional counts or a total of 71.

c. The trialess, without `live' testimony procedures followed for petitioner, were followed for Raffe.

d. The District Court made no mention of the Raffe Report because it, like petitioner, were unaware of same at the time.

e(1) Petitioner became aware of the Raffe disposition after the matter had been submitted to the Circuit Court and therefore made it the subject of an immediate, post-submission, motion.

(2) For making such exposure to the Circuit Court, petitioner was fined $250, and otherwise sanctioned, under Rule 11, without publishing the specifics of such motion (824 F2d. at 191).

f(1) In exchange for not bringing on the Referee Diamond mirrored Report for confirmation, and for not being incarcerated under the Justice Klein trialess conviction, Raffe paid very substantial monies to FKM&F, K&R and Citibank, and in addition thereto:

(2) Raffe agreed to discharge petitioner, his attorney for more than thirty (30) years, and not speak nor associate with him in any manner.

(3) The monies payable, in haec verba, "to the [federal] court" under the Judge Nickerson conviction, was to be paid instead to K&R and Citibank.

(4) "Raffe-The Hostage" was to underwrite all future expense, litigation and otherwise, whether it inured to his legitimate personal benefit or not, caused by petitioner.

(5) Raffe was to execute instruments of satisfaction against Puccini and the K&R-FKM&F co-conspirators.

(6) Raffe was to effectively relinquish all his stock and equity interests in Puccini.

(7) Raffe was to underwrite the expenses for a "phantom" "final accounting" to be "approved" by Referee Diamond, and to consent to said "phantom final accounting".

(8) Raffe agreed to execute releases to the federal "judges of the Eastern and Southern District of New York".

(9) Raffe agreed to execute releases to the "Justice of the Supreme Court", Referee Diamond, NYSAG Abrams and members of his office -- all acting "under color of law".

(10) Raffe agreed to execute releases to K&R, FKM&F, their clients and co-conspirators, jointly acting under "color of law".

(11) Raffe agreed to transfer the balance of Puccini's tangible trust assets to FKM&F, although they rendered no services for Puccini, and never appointed as the court-appoint receiver's attorneys by any court or judge, an absolute pre-condition for receipt of any monies from the judicial trust.

(12) To give obedience to thereafter obey the requests of FKM&F.

(13) Albeit the absence of petitioner and Polur, the attorneys of record for Raffe, Raffe was compelled to agree to discontinue his pending state and federal actions and proceedings, including the pending appeals and specifically Raffe v. Doe (supra).

(14) As long as Raffe obeys the aforementioned, and

many other depraved demands, "Raffe-The Hostage", would not be incarcerated.

In the words of the written agreement of November 4, 1985, made without the presence, agreement or consent of petitioner or Polur, the acknowledged attorneys of record at the time:

> "14. The (court-appointed) Receiver shall withdraw without prejudice his pending motion to punish Raffe for seventy-one separate counts of <u>criminal</u> contempt of court. The Receiver shall not seek to reinstate such motion provided that Raffe <u>fully</u> complies with all of his obligations set forth herein." [emphasis supplied]

Such agreement, as well as several other similar agreements, were approved by Referee Diamond, but as with other essential documents were not filed with the County Clerk, New York County, as required by law for all public judicial documents.

g. As of approximately two (2) years ago, according to confirmed and published reports by JONATHAN FERZIGER of UNITED PRESS INTERNATIONAL, Raffe has paid "more than $2.5 million" and has been paying ever since.

h. To repeat, in the precise words of Raffe, a native born American citizen, "I am being bled to death" but he keeps paying because, again in his words "judges are crooks".

i(1) Thus, "Raffe-The Hostage", was caused to underwrite the FKM&F billings in the District Court and the Circuit Court of Appeals of <u>Sassower v. Sheriff</u> (F. Supp. supra, F.2d. supra), although his legitimate interests were with petitioner, not FKM&F.

(2) "Raffe-The Hostage" was caused to underwrite the litigation involving DENNIS F. VILELLA ["Vilella-The Hostage"] who has been incarcerated for more than three (3) years for crimes which never occurred -- "phantom crimes" -- as set forth in a separate petition in this Court for a Writ of Habeas Corpus.

(3) Although Judge Conner assessed Rule 11 costs personally and enjoined petitioner personally, the appeal which included petitioner's personal interests was dismissed by the Second Circuit, by reason of the Raffe discontinuance.

(4) "Raffe-The Hostage" has been caused to underwrite the litigation in the Third, Fourth, Ninth and District of Columbia Circuits.

j(1) In short, for payment of substantial monies to the "indulgence peddlers", one can escape incarceration in the New York-Second Circuit bailiwick.

(2) Those who refuse to submit and cooperate in such corrupt judicial activities, find themselves incarcerated at government expense.

k(1) For exposing this fraud, as aforementioned, petitioner was fined $250 by the Second Circuit Court of Appeals.

(2) For making a similar exposure by motion before U.S. District Judge GERARD L. GOETTEL, for extortion payments made in His Honor's forum, petitioner was fined $500.

(3) For exposing that such extortion payments were being made for litigation in the federal courts in New Jersey, petitioner was incarcerated, without bail, for two (2) months, at

federal expense. In the words of U.S. District Judge NICHOLAS H. POLITAN of New Jersey, he was "going to teach Sassower a lesson".

9. By reason of the aforementioned "impeachment" proceedings against, inter alia, Judges Pratt, Miner and Van Graafeiland is irresistibly compelled.

IMPEACHMENT CHARGE VIII

1. Since Feltman, the court-appointed receiver account "account", without exposing the criminal corruption in the New York-Second Circuit arena, which activities reach beyond the Puccini matter, and involve monumental sums of monies, the entire judicial and official thrust has been to silence petitioner and Raffe and/or deny them access to the courts, state and federal.

2a. After successfully overcoming the ever-changing rules of Referee Diamond and convinced that even fines would not silence petitioner, N.Y. State Justice IRA GAMMERMAN and District Court Judge WILLIAM C. CONNER. were enlisted for the task.

b(1) In a process lacking due process, Justice Gammerman issued a transparently invalid injunction order, which is partially quoted in Sassower v. Sheriff (F. Supp. at p. 131 col. 1t). Under such Order, enforcement and contempt against petitioner and Raffe were denied, in total, about thirty-five (35) times.

(2) However it was the basis for the trialess convictions of Judge Saxe and Justice Klein, which resulted in incarcerations.

c(1) Petitioner, released from the aforementioned incarceration, was about to commence a Dennis v. Sparks, 449 U.S. 24 [1980] in the federal court against K&R, FKM&F and Citibank, so Judge Conner was enlisted to issue a similar injunction in an action in which petitioner was not a party, his interests were not in issue, and under which the Circuit Court of Appeals denied him the right to appeal.

(2) Despite many contempt proceedings against petitioner and Raffe, the Citibank entourage have never been able to obtain a single conviction under the Judge Conner injunction.

(3) However, the transparently invalid, without due process, Judge Conner injunction, explicitly rejects protection based upon future acts of misconduct, as it must.

(4) In haec verba, the Judge Conner injunctive decision (Raffe v. Doe, 619 F. Supp. 891 [SDNY-1985]), reads as follows (at p. 897, col. 1):

> "However, these complaints also allege certain improprieties by state court judges in connection with respect to Puccini proceedings after the date of Judge Nickerson's decision ... . Since these alleged misdeeds after Judge Nickerson's decision, they were not and could not have been litigated in that action. However, all of these alleged improprieties apparently could have been, and perhaps still can be, reviewed by appeal in the state courts, it would be wholly inappropriate for this Court to consider them here. Accordingly, the Court on its own motion hereby dismisses the complaints in .... ." [emphasis supplied]

(5) Thus, the corrupt Judge Conner, who became the primary "fixor" in the Southern District of New York, had to "fix" cases, the "old fashion way".

3a. In or about November of 1987, petitioner "caught", once again, the admittedly disqualified Judge Conner "fixing" a judicial proceeding.

b. This time the judicial proceeding was pending before U.S. District Judge CHARLES S. HAIGHT, JR. of the Southern District of New York.

c. Indeed copies of such Judge Conner "fixing" memorandum to Judge Haight, "Bill to Terry", was circulated to others as well, including Chief Judge CHARLES L. BRIEANT, Judge GERARD L. GOETTEL and Bankruptcy Judge HOWARD SCHWARTZBERG.

d. The Judge Conner "fixing memorandum" was distributed on behalf of K&R and FKM&F after an ex parte meeting with FKM&F, on behalf of themselves and their co-conspirators, with respect to the matter pending before Judge Haight.

e. As a consequence thereof, as a matter of course, petitioner amended his complaint to add "Conner, The Fixor", as a Dennis v. Sparks (supra) co-defendant.

f. Since plaintiff was very familiar with the Dennis v. Sparks (supra) holding, he did not include Judge Haight, "The Fixee", as a party defendant.

g. Administrator Brieant who was also exerting improper influence on behalf of K&R and FKM&F, seized upon the occasion of the amendment of petitioner's complaint, to dismiss the action before Judge Haight case.

h. At all times, both before and after the Administrator Brieant dismissal, petitioner's action was before Judge Haight and no one else.

i. The Administrator Brieant published "diatribe", in justification thereof, was based upon the false, contrived, fabricated and concocted premise that:

> "Judge Haight himself has been added to the case as a defendant [by petitioner] ..".

j. Thus, based upon such false, contrived, fabricated and concocted premise, which also shielded Judge Conner, by a "no due process" procedure, which Administrator Brieant himself knew was a nullity, Administrator Brieant could further state that the:

> "inclusion of the assigned judge [Judge Haight] as an additional defendant had the effect, and probably the purpose of disrupting the orderly judicial decisional process of the district court."

k(1) Still without any due process procedures, Administrator Brieant also decreed:

> "The Clerk of this Court is hereby ORDERED not to accept for filing any paper or proceeding or motion or new case of any kind presented by Mr. George Sassower, or naming him as a party plaintiff or petitioner, without the leave in writing first obtained from a judge or magistrate of this Court who shall have examined such paper to assure that it is not in violation of the 1985 ["Conner"] injunction."

(2) Petitioner was not a party to the 1984 action before Judge Conner (Raffe v. Doe, supra), verified by its title, petitioner's interests were not placed in issue in the filed complaint and when Raffe was compelled to submit, petitioner was not permitted to appeal.

(3) There were no trials or hearings in such Judge Conner action, and immediately after the filing of the complaint, all pre-trial disclosure on behalf of plaintiff therein were stayed.

(4) About sixteen months later, Judge Conner issued his injunctive order against petitioner, a non-party, and Raffe, in addition to imposing Rule 11 costs on both of them.

(5) Petitioner filed notices of appeal and K&R and FKM&F threatened Raffe that unless he paid them millions of dollars, discontinued his appeal, executed releases in favor of, inter alia, the federal judges in the Eastern and Southern Districts of New York, he would be incarcerated under trialess convictions.

(6) Raffe succumbed, stipulated to discontinue his appeals, and notwithstanding the Rule 11 costs and injunction imposed on petitioner, the Circuit Court refused to allow petitioner to prosecute the appeal on his own behalf.

(7) Clearly a 1985 injunction could not immunize post-1985 conduct by K&R and FKM&F, as set forth in the complaint before Judge Haight.

1(1) The day after the Administrator Brieant ukase, again without any pretense of due process or authority, Administrator Brieant invaded the bailiwick of Bankruptcy Judge Schwartzberg, an Article I jurist, and directed that in the bankruptcy proceeding before His Honor that:

> "No further papers are to be filed under this docket number by Mr. Sassower ... without leave in writing first obtained from a Judge or Magistrate."

(2) This Administrator Brieant direction, and other "fixing" operations by Administrator Brieant, Judge Conner and others, were clearly intended as "marching orders" to Judge Schwartzberg, bankruptcy trustee JEFFREY L. SAPIR, Esq., and U.S.

Trustee HAROLD JONES, that they should execute false federal documents and papers, which they did, asserting, inter alia, that petition's estate contained "no assets", and terminate petitioner's case, also without any pretense at due process.

m. This Administrator Brieant edict, and other "fixing" operations by Administrator Brieant, Judge Conner, and their co-conspirators, were also intended, and perceived by Judge Schwartzberg, as a direction not to entertain those motions which petitioner might make as a matter of right under, inter alia, Rule 59 and 60 of the Federal Rules of Civil Procedure, and/or as mirrored in the Bankruptcy Rules [Bankruptcy Rule 9024].

o(1) In or about July of 1989, under a conspiratorial arrangement made by and between Administrator Brieant and Judge Politan of New Jersey, without even a pretense of due process or lawful authority, by oral edict, not made in petitioner's presence or knowing, Administrator Brieant ordered that petitioner be physically excluded, as he thereafter learned, from the entire Federal Building and Courthouse in White Plains, and each and every part thereof, "unless his [petitioner's] physical presence is actually required", as Administrator Brieant, six (6) months later, wrote to Congresswoman NITA M. LOWEY ["Lowey"].

(2) Permission for petitioner's physically admittance to the Federal Building and Courthouse in White Plains when "actually required" must be obtained from either Administrator Brieant or Judge Politan.

p(1) The Eastern District of New York, controlled by Chief Judge Brieant's former law partner, Chief U.S. District

Court Judge THOMAS C. PLATT, consequently petitioner cannot liquidate his assets, contractual or otherwise, or nullify the aforementioned corruptly secured, jurisdictional infirm orders and convictions.

(2) It takes a vivid legal imagination to conceive that petitioner needs the permission of Justice Gammerman, in the state courts, or Chief Judge Brieant in the Southern District of New York to have issued a writ of habeas corpus, state or federal, for himself.

q(1) The United States Constitution is dead. The fabricated decisions and extortion methods of the felon, the former U.S. Chief Circuit Judge MARTIN T. MANTON of the Second Circuit (see Art Metal v Abraham & Straus, 70 F.2d 641 [2nd Cir.-1934]), are alive and well.

(2) To say more, would be supererogatory.

CONCLUSION

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

WHEREFORE, it is respectfully prayed that the within motion be granted in all respects, and "right be done".

Dated: December 26, 1990

GEORGE SASSOWER

CERTIFICATION OF SERVICE

On December 27, 1990, I served a true copy of this Motion/Affirmation by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to the Hon. Kenneth W. Starr, U.S. Solicitor General, Department of Justice, 10th & Constitution Ave., Washington, D.C. 20530; Chairman Sol Wachtler, Court of Appeals Hall, 20 Eagle Street, Albany, N.Y. 12207; Chief Circuit Judge James L. Oakes, Box 696, Brattleboro, Vermont, 05301; Elaine B. Goldsmith, Clerk of the Circuit Court of Appeals, on behalf of Circuit Judges, at 40 Center Street, New York, N.Y. 10007; Chief District Judge Charles L. Brieant, 101 East Post Road, White Plains, N.Y. 10601; U.S. District Judge Eugene H. Nickerson, at 225 Cadman Plaza East, Brooklyn, N.Y. 11201; Attorney General Robert Abrams, The Capitol, Albany, New York 12224; and Galland, Kharasch, Morse & Garfinkle, P.C. at 1054 Thirty-First Street, NW, Washington, D.C. 20007, that being their last known addresses.

Dated: December 27, 1990

GEORGE SASSOWER