

10/14/90

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

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GEORGE SASSOWER,
 Petitioner,
 (Respondent-Appellant),
-against-
GEORGE C. PRATT,
 Respondent.
 (Petitioner-Appellee).
-----x

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

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

QUESTIONS PRESENTED

1a. Should the criminal conviction by U.S. District Judge EUGENE H. NICKERSON ["Nickerson"] of petitioner and HYMAN RAFFE ["Raffe"], rendered without a trial, without the opportunity of a trial and without any live testimony in support thereof, be declared null, void and of no legal effect?

b. Where Judge Nickerson's Order provided that the substantial "fine" monies imposed were to be payable "to the [federall] court", should the U.S. Attorney have been directed to recover such monies for the benefit of the federal government, when such "fine" monies were diverted, received and converted by KREINDLER & RELKIN, P.C. ["K&R"] and its client, CITIBANK, N.A. ["Citibank"]?

c. Assuming, arguendo, the aforementioned criminal convictions were not facially void, could the federal courts in the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such criminal convictions were the result of judicial frauds by a corrupted and disqualified court and/or judge?

d. Could such criminal conviction of petitioner, legally an "offense sui generis", thereafter be escalated to the conclusive status of a serious crime, resulting in petitioner's disbarment?

2a. Should the criminal conviction, sentence of incarceration and incarceration of petitioner by New York State Judge DAVID B. SAXE ["Saxe"] rendered without a trial, without the opportunity of a trial and without any live testimony in support thereof, be declared null, void and of no legal effect?

b. Assuming, arguendo, the aforementioned criminal conviction was not facially void, could the New York State courts and the federal courts in the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such criminal conviction was the result of a judicial fraud by a corrupted and disqualified court and/or judge?

c. Could such criminal conviction, legally an "offense sui generis", be thereafter escalated to the conclusive status of a serious crime, resulting in petitioner's disbarment?

3a. Should the criminal convictions and sentences of incarceration, all in one document, of petitioner, Raffé and SAM POLUR, Esq. ["Polur"] by New York State Supreme Court Justice ALVIN F. KLEIN ["Klein"] rendered without a trial, without the opportunity of a trial and without any live testimony in support thereof, be declared null, void and of no legal effect?

b. Assuming, arguendo, the aforementioned criminal convictions were not facially void, could the New York State courts and the federal courts in the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such criminal convictions were the result of judicial frauds by a corrupted and disqualified court and/or judge?

c. Assuming, arguendo, the aforementioned criminal convictions were not facially void, could the New York State courts and the federal courts in the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such criminal convictions were the result of judicial frauds wherein, inter alia, Raffé, unlike petitioner and Polur, was permitted to avoid incarceration by paying substantial monies and other unlawful consideration to the private prosecutors?

d. Could such criminal conviction, legally an "offense sui generis", be thereafter escalated to the conclusive status of a serious crime, resulting in petitioner's disbarment?

e. Could such criminal conviction be thereafter escalated to the conclusive status of a serious crime for petitioner alone, resulting in petitioner's disbarment, while the disciplinary proceedings against Polur dropped when he left the scene of litigation?

4a. Should the Reports of New York State Supreme Court Referee DONALD DIAMOND ["Diamond"] be nullified where, without a trial, without the opportunity of a trial without any live testimony in support thereof, he convicted petitioner of non-summary criminal contempt recommended that he be incarcerated for sixty-three (63) months and fined \$15,750; and under a mirrored Report recommended that Raffe be incarcerated for seventy-one (71) months and fined \$17,750?

b. Assuming, arguendo, the aforementioned criminal convictions were not facially void, could the New York State courts and the federal courts in the Second, Third, Fourth, Eighth, Ninth District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such Referee Diamond Reports of criminal convictions were the result of judicial frauds by a corrupted and disqualified court and/or referee?

c. Assuming, arguendo, the aforementioned criminal convictions were not patently void, could the New York State courts and the federal courts in the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits refuse to grant petitioner the opportunity to obtain an adjudication that such criminal convictions were the result of judicial frauds, wherein Raffe was permitted to avoid incarceration by: (a) paying many millions of dollars to the private prosecutors; (b) surrendering very substantial monetary interests; (c) agreeing to execute general releases to, inter alia, the federal "judges of the Eastern and Southern Districts of New York; and (d) other unlawful considerations?

5a. Should the Court have directed U.S. Attorney ANDREW J. MALONEY to recover all monies paid by Raffe, on his own behalf and on behalf of petitioner, to K&R and Citibank instead of "to the federal court", as provided, in haec verba, in the Judge Nickerson Order?

b. Should the Court have directed U.S. Attorney ANDREW J. MALONEY to recover all monies paid by Raffe to FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] in consideration for his not being incarcerated under the trialess conviction of Mr. Justice Klein and for not having the trialess Referee Diamond Report confined?

6. Was petitioner entitled to a writ of mandamus in order to have make a grand jury presentation?

7. Was petitioner entitled to an order disqualifying all U.S. Attorneys from the civil representation of the respondent, Circuit Court Judge GEORGE C. PRATT ["Pratt"] based upon the uncontroverted documentary evidence that the Circuit Judge is involved in the larceny of judicial-trust assets, criminal extortion and other racketeering conduct?

PRELIMINARY STATEMENT

1. This is the second of a series of petitions to the Second, Third, Fourth, Eighth, Ninth and District of Columbia Circuits.

Consolidation and/or joint considerations of these interrelated petitions is respectfully requested.

Anticipating consolidation and/or joint consideration by this Court, there will be a studied attempt to avoid repetition.

2. There can be no more important petitions pending before this Court than petitioner's petitions, since they all involve corrupt judges and courts, the usurpation of power, the lawless bondage and corruption of the machinery of justice, as will be dramatically demonstrated in the various petitions presented by petitioner.

THE PARTIES

GEORGE SASSOWER Petitioner 16 Lake Street White Plains, N.Y. 10603 (914) 949-2169	U.S. Circuit Judge GEORGE C. PRATT Respondent U.S. Courthouse, Uniondale, New York 11552 (516) 485-6505
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N.Y.S. Atty. Gen. ROBERT ABRAMS The Capitol Albany, New York 12224 (518) 474-2121	KREINDLER & RELKIN, P.C. 350 Fifth Avenue, New York, N.Y. 10118 (212) 279-5100
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FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. 645 Fifth Avenue, New York, N.Y. 10022 (212) 371-8630	CITIBANK, N.A. 399 Park Avenue, New York, N.Y. 10022 (212) 559-1000
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OPINIONS BELOW

None.

JURISDICTION

- | | | |
|-------|--|--------------------------|
| (i) | Decree of the District Court:
Circuit Court Docket #90-6207 | June 11, 1990
Pending |
| (ii) | None. | |
| (iii) | Not Applicable | |
| (iv) | 28 U.S.C. §1254(1) | |

CONSTITUTIONAL-STATUTORY PROVISIONS

1. Article VI[2] of the United States Constitution provides that:

"This Constitution and the Laws of the United States which shall be made in Pursuance thereof; ... shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding."

2. The First Amendment of the United States Constitution provides that:

"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."

3. The Fifth Amendment of the United States Constitution provides that:

"No person shall ... nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be deprived of ... liberty, or property, without due process of law ...".

4. The Sixth Amendment of the United States Constitution provides that:

"In all criminal prosecutions, the accused shall enjoy the right to a ... public trial ... to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor"

5. The Fourteenth Amendment, §1 of the United States Constitution provides that:

"All persons born ... in the United States ... are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

6. 18 U.S.C. §3332(a) provides:

"It shall be the duty of each such grand jury impaneled within any judicial district to inquire into offenses against the criminal laws of the United States alleged to have been committed within that district. Such alleged offenses may be brought to the attention of the grand jury by the court or by any attorney appearing on behalf of the United States for the presentation of evidence. Any such attorney receiving information concerning such an alleged offense from any other person shall, if requested by such other person inform the grand jury of such alleged offense, the identity of such other person, and such attorney's action or recommendation."

7. 18 U.S.C. §3333(a) provides:

"A special grand jury impaneled by any district court, with the concurrence of a majority of its members, may ... submit to the court a report (1) concerning noncriminal misconduct, malfeasance, or misfeasance in office involving organized criminal activity by an appointed public officer or employee as the basis for a recommendation of removal or disciplinary action; or (2) regarding organized crime conditions in the district."

STATEMENT OF THE CASE

1a. Since July 30, 1990, there has been pending in the Circuit Court of Appeals, petitioner's unopposed motion for the relief sought herein.

b. The U.S. Attorney did not oppose the relief sought by petitioner in the District Court, nor dispute the facts alleged by petitioner therein, which is now being presented to this Court in this and subsequent petitions.

2. This petition, prior to a Circuit Court determination, is absolutely essential for a proper understanding of petitioner's subsequent petitions to this Court.

THE FACTS:

1a. The trialess convictions of petitioner by Judge Nickerson, Judge Saxe, Mr. Justice Klein and Referee Diamond all occurred over a period of less than two (2) months.

b. These trialess convictions, as later evidence further confirmed, was a coordinated state-federal adventure.

2a. Petitioner is confident that there will be no dispute with his assertion that the judicially-filed papers of the aforementioned convictions will reveal that all of the aforementioned convictions were trialess, without an opportunity for a trial, and without any 'live' testimony in support thereof.

b. Petitioner also is confident that there will be no dispute with his assertion that under the aforementioned factual circumstances, these convictions are a nullity (Bloom v. Illinois, 391 U.S. 194 [1968]; Klapprott v. U.S., 335 U.S. 601 [1949]; Nye v. U.S., 313 U.S. 33 [1941]).

3a. There can be no question that for every constitutional crime, including for the crime of non-summary criminal contempt, absent a plea of guilty, every American judge must, as a matter of ministerial compulsion, afford the accused the opportunity for a trial, with confrontational rights (Bloom v. Illinois, supra; Nye v. U.S., supra).

To the extent that summary criminal contempt may be an apparent exception to the Fifth, Sixth and Fourteenth Amendments to the U.S. Constitution, such crime was not involved in the convictions of petitioner, Raffé or Polur.

b. There also can be no dispute that for all constitutional crimes there must be 'live' testimony in support thereof, and in the absence of same, the convictions are a nullity (Klapprott v. U.S., supra).

4a. Fines and penalty monies payable, in haec verba, to the federal government, belongs to the federal government, not in the private pockets of the 'cronies' of the judiciary.

b. Fines and penalty monies as a result of criminal contempt convictions, where the disposition is not specified, belong to the sovereign (Gompers v. Buck's Stove, 221 U.S. 418, 447 [1911]; Goodman v. State, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 N.E.2d 665 [1972]), and not in the private pockets of the cronies of the judiciary.

c. The compelled payment by Raffaele of "millions of dollars" to his private prosecutors and compelling his agreement to execute releases to, inter alia, the federal judiciary, to avoid incarceration, is the ultimate legal and societal anathema.

5. Whatever discretion the U.S. Attorney may have in criminal prosecutions, does not extend to his civil obligation on behalf of the federal government to recover monies payable to the federal court but diverted to private pockets.

6a. The petitioner has an absolute constitutional First Amendment and statutory right (In re Grand Jury Application 617 F. Supp. 199 [SDNY-1985]) to advise the grand jury of criminal conduct and/or improprieties of federal officials (18 U.S.C. §3332[a], §3333[a]).

b. Because the U.S. Attorney and some federal jurists are involved in such racketeering activities does not diminish petitioner's rights with respect thereto.

7. Federal jurists involved in racketeering activities contrary to the pecuniary interests of the federal government should not be civilly represented by the local U.S. attorney whose primary obligation is to prosecute criminally.

REASONS FOR THE GRANT OF THIS WRIT

Where private parties can routinely obtain trials, manifestly unconstitutional, criminal convictions accompanied with imposed terms of incarcerations which, in exchange for very substantial indulgence payments, need not be served, the American system of justice must be examined.

Such examination must be made by, inter alia, this Court, through the grant of this petition when members of the circuit courts are involved in this criminal racket.

The media, Congress, and the American people will not remain silent when they learn that monies payable to the federal government, are diverted to private pockets of the cronies of the judiciary.

Dated: October 14, 1990

Respectfully submitted,


GEORGE SASSOWER

CERTIFICATION OF SERVICE

On October 16, 1989, I state under penalty of perjury, that I served a true copies of this Petition 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 (Certified Mail P); U.S. Attorney Andrew J. Maloney, Att: Lisa M. Burianek, Esq., Special U.S. Attorney, One Pierrepont Plaza, Brooklyn, N.Y. 11201; N.Y.S. Attorney General Robert Abrams, The Capitol, Albany, New York 12224; Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, N.Y. 10118; 645 Fifth Avenue, New York, N.Y. 10022, and Citibank, N.A., 399 Park Avenue, New York, N.Y. 10022.


ELENA R. SASSOWER

RAGGI, District Judge :

For the reasons stated on the record of oral argument of June 8, 1990, the subpoena issued to Honorable George C. Pratt, dated March 12, 1990, in the case of George Sassower v. Fidelity and Deposit Insurance (No. HAR-90-332, D.Md.) is quashed in light of the order of the District court of Maryland dated March 24, 1990, staying discovery.

Any application to quash discovery in the future must be made directly to the District Court of Maryland.

Dated: Brooklyn, New York
June // , 1990


REENA RAGGI
UNITED STATES DISTRICT JUDGE