

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

-----x
In re:

GEORGE SASSOWER,
Petitioner,
-----x

x-----x
PETITION FOR WRIT OF MANDAMUS and PROHIBITION
TO THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK
x-----x

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

PRELIMINARY STATEMENT
["JUDICIAL RACKETEERING IN THE SECOND CIRCUIT"]

1a. This petition is brought by petitioner, (1) on behalf of PUCCINI CLOTHES, LTD. ["Puccini"], a helpless constitutional "person"; and (2) on petitioner's own behalf, a native-born American citizen who has constitutionally protected vested interests in Puccini.

b. Puccini, a solvent corporation, was involuntarily dissolved on June 4, 1980 by the Supreme Court, New York County, its assets and affairs becoming custodia legis, under "color of law".

2a. Petitioner has been barred from submitting legal papers in the U.S. District Court and Circuit Court, as well as in the state courts.

b. Puccini, a legally and factually incompetent constitutional "person", by reason of its incompetency, cannot submit any legal papers in any court.

c. Consequently, judicial relief can only be obtained in this Court.

3a. Although Puccini is not a singular victim of the larceny and plundering of judicial trust assets, with judicial participation, it is probably the most corrupt situation in Angle-American judicial history, involving numerous members of the federal and state judiciary, nisi prius and appellate.

b. Petitioner and others have been plagued with a "judicial reign of terror" in order to advance a criminal judicial racket and simultaneously conceal its existence.

c. The judiciary having failed to compel petitioner to submit and remain silent by virtue of such "reign of terror", has barred him from filing papers in the state and federal courts.

4. The essential statements contained in this Petition have been independently verified by responsible media representatives, and some of it already published.

QUESTIONS PRESENTED

1. Where petitioner's substantial assets have been unconstitutionally frozen, is the judiciary estopped from making any 28 U.S.C. §1915 analysis?

2. Where the judiciary, state and federal, nisi prius and appellate, are involved in the larceny and unlawful plundering of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], does the United States District Court for the Southern District of New York and the Circuit Court of Appeals for the Second Circuit, have the constitutional power to deny

access to the Court to anyone desiring relief for or on behalf of Puccini, and if not, should a Writ be issued by this Honorable Court to remedy the situation?

3. Should this Honorable Court mandamus the United States District Court for the Southern District of New York compelling it to entertain a petition to require the filing of an accounting on behalf of Puccini, which was involuntarily dissolved more than ten (10) years ago, when state law provides that an accounting must be filed by the court-appointed receiver "at least once a year", and it clearly appears that all of Puccini's judicial trust assets were made the subject of larceny and unlawful plundering, leaving nothing for Puccini's legitimate creditors and stockholders?

4. In view of the judicial involvement, state and federal, nisi prius and appellate, in the larceny and unlawful plundering of Puccini's trust assets, should this Honorable Court issue a Writ of Mandamus directing the United States District Court for the Southern District of New York to entertain a petition to have Common Cause or some other public interest entity, or an officer thereof, be appointed Puccini's receiver, particularly where there are no state proceedings pending?

5. Where state statute, reflecting federal mandate, grants anyone having vested interest in an involuntarily dissolved corporation to petition the court and demand an accounting, should this Honorable Court enjoin any attempt to prevent petitioner from petitioning the U.S. District Court for such relief?

6. Where in litigation, state and federal, nisi prius and appellate, the court-appointed receiver and statutory fiduciary invariably took positions contrary to Puccini, the judicial trust, should all such litigation be declared a nullity by this Honorable Court and/or should the U.S. District Court be mandated to entertain a petition requesting such relief?

7. Should the U.S. District Court be enjoined from denying petitioner access to the court for the purpose of prosecuting his Dennis v. Sparks (449 U.S. 24 [1980]) action against those who corrupted and continue to corrupt jurists for the purpose of denying petitioner due process?

8. Where failure to accept petitioner's filings at the District Court level precludes potential review by this Honorable Court, on the merits of petitioner's claims, is such judicial embargo unconstitutional?

THE PARTIES

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TABLE OF CONTENTS

Preliminary Statement	i
Questions Presented	ii
The Parties	iv
Table of Contents	v
Table of Authorities	v
Opinions Below	1
Jurisdiction	1
Constitutional-Statutory Provisions	1
Statement of the Case	4
Reasons for Granting the Writ	12
Certificate of Service	15
Appendix-None (Original Proceeding)	-

TABLE OF AUTHORITIES

A & B, In re 44 NJ 331, 209 A2d 101, 17 ALR3d 827 [1965]	12
Andres v. California 386 U.S. 738 [1967]	11
Atlantic Trust v. Chapman 208 U.S. 360 [1908]	8
Blanton v. City of No. Las Vegas 489 U.S. , 109 S.Ct. 1289 [1989]	10
Bloom v. Illinois 391 U.S. 194 [1968]	10
Booth v. Clark 17 How [58 U.S.] 322 [1854]	8
Bounds v. Smith 430 U.S. 817 [1977]	12
Cheff v. Schnackenberg 384 U.S. 373 [1966]	10
Cotting v Kansas City 183 U.S. 79 [1901]	12,13
Crosby v. Bradstreet 312 F.2d 483 [1963] cert. den. 373 U.S. 911 [1963]	11
Dennis v. Sparks 449 U.S. 24 [1980]	iv
Evitts v. Lucy 469 U.S. 387 [1985]	11

Garrison v. Louisiana 379 U.S. 64 [1964]	4
Grosjean v. American Press Co. 297 U.S. 233 [1936]	10
Life & Casualty v. McCray 291 U.S. 566 [1934]	12, 13
Meinhard v. Salmon 249 N.Y. 458, 164 NE 545, 62 ALR 1 [1928]	9
Sassower v. Sheriff 651 F. Supp. 128 [SDNY-1986]	7
Walker v. City of Birmingham 388 U.S. 307 [1967]	11
Wood v. Georgia 450 U.S. 261 [1981]	11
Young, Ex parte 209 U.S. 123 [1908]	12, 13

OPINIONS BELOW

This is an original proceeding, not directly based upon any opinions below.

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. Amendment I of the U.S. Constitution provides:

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

3. Amendment V of the U.S. Constitution provides:

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

4. Amendment XIV[1] of the U.S. Constitution provides:

"All persons . . . are citizens of the United States No state shall . . . 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 any person within its jurisdiction the equal protection of the laws."

5. 42 U.S.C. §1983 provides:

"Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State subjects, or causes to be subjected, any

citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

6. 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."

7. 28 U.S.C. §1334[d] provides:

"The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction of all the property, wherever located, of the debtor as of the commencement of such case, and of the property of the estate."

8. N.Y. Bus. Corp. Law §1202[b] provides:

"A receiver shall be subject to the control of the court at all times and may be removed by the court at any time."

9. N.Y. Bus. Corp. Law §1204 provides:

"(a) A receiver, before entering his duties, shall: (1) Take and subscribe an oath that he will faithfully, honestly and impartially discharge the trust committed to him (2) File with the clerk of such court a bond to the people"

10. N.Y. Bus Corp. Law §1207 provides:

"[a] Upon appointment and qualification, a receiver shall have the following duties: ... [C](3) ... On or before the first day of February in each year, for the preceding calendar year, and at such other times as the court shall direct, the receiver shall file with the clerk of the court by which we has appointed a verified statement showing the assets received"

11. N.Y. Bus Corp. Law §1213 provides:

"Upon notice to the attorney-general and upon such notice to creditors or others interested as the court shall direct, the court may, in the furtherance of justice, relieve a receiver from any omission or default, on such conditions as may be

imposed, and, on compliance therewith, confirm his action."

12. N.Y. Bus. Corp. Law §1214[a] provides:

"Whenever he deems it to be the advantage of the shareholders, creditors or other persons interested in the assets of any corporation for which a receiver has been appointed, the attorney-general may move (1) For an order removing the receiver and appointing another in his stead; (2) To compel the receiver to account; (3) For such other and additional orders as may facilitate the closing of the receivership."

13. N.Y. Bus. Corp. Law §1216[a] provides:

"Within one year after qualifying, the receiver shall apply to the court for a final settlement of his accounts If the receiver has not so applied for a settlement of his accounts . . . the attorney-general or any creditor or shareholder may apply for an order that the receiver show cause why an accounting and distribution should not be had, and after the expiration of eighteen months from the time the receiver qualified, it shall be the duty of the attorney-general to apply for such an order on notice to the receiver."

14. N.Y. Bus. Corp. Law §1217[a]:

"A receiver shall be entitled, in addition to his necessary expenses, to such commissions upon the sums received and disbursed as may be allowed by the court, as follows:

15. N.Y. Public Officers Law §28 provides:

"A receiver . . . appointed by a court or judge, is a public officer, within the meaning of this article"

16. 22 NYCRR §202.52[e] provides:

"Receivers shall file with the court an accounting at least once each year."

17. 22 NYCRR §660.24 provided:

"... no order or judgment providing for the appointment of a referee, receiver, person designated to accept service . . . or person designated to perform services for a receiver such as but not limited to an agent, accountant, attorney, auctioneer,

and appraiser ("appointee"), shall be entered, unless and until the following has been completed: ... [f] Any appointment made without following the procedures provided in this section, shall be null and of no effect and no person so appointed shall be entitled to recover any compensation for the services rendered or claimed to have been rendered."

18. N.Y. CPLR §4317(b) provides:

"Without consent of the parties. On motion of any party or on its own initiative, the court may order a reference to determine a cause of action or an issue where the trial will require the examination of a long account, including actions to foreclose mechanic's liens; or to determine an issue of damages separately triable and not requiring a trial by jury; or where otherwise authorized by law."

19. DR 1-103A of the Code of Professional Responsibility provides:

"A lawyer possessing unprivileged knowledge of a violation of DR 1-102 shall report such knowledge to a tribunal or other authority empowered to investigate or act upon such violation."

STATEMENT OF THE CASE

1a. This petition concerns itself with the right to petition the District Court for relief, notwithstanding the general injunctions issued against petitioner by the U.S. District Court for the Southern District of New York and Circuit Court of Appeals for the Second Circuit.

b. Since the relief requested is irresistibly compelling and would expose the pervasive judicial corruption, petitioner has been barred from the courts, except by permission, which is never granted if it involves, in any respect, a discussion of judicial corruption, albeit relevant (cf. Garrison v. Louisiana, 379 U.S. 64 [1964]) or interferes with this on-going judicial racket.

c. Decisive of the veracity of petitioner's serious charges is the refusal of the judiciary to file an accounting for the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], a mandatory requirement in every American jurisdiction, which will unquestionably reveal that the state and federal judiciary in the New York-Second Circuit bailiwick, including at the Circuit Court level, are engaged in the larceny and plundering of Puccini's judicial trust assets, and other racketeering activities.

d. Further inquiry will reveal that the judiciary, including at the Circuit Court level, are involved in diverting monies payable "to the ['federal'] court" to private pockets, and extorting "millions of dollars" from HYMAN RAFFE ["Raffe"]--functionally intended to be "Raffe-The Hostage".

e. KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] openly flaunt the fact that they, with CITIBANK, N.A. ["Citibank"], "control all judges".

f. As specific examples demonstrate, by corrupting pivotal jurists and officials, the validity of boasts that "all judges" can be "controlled" receives confirmation.

2a. The constitutional power of this Honorable Court is to (Article III, §2[1], U.S. Constitution:

"all cases, in law and equity, arising under this Constitution". [emphasis supplied]

b. Thus, if Chief U.S. District Court Judge CHARLES L. BRIEANT ["Brieant"] has the power, through a sua sponte, without due process, ukase to determine which proceedings petitioner may file in the District Court, Judge Brieant has

assumed the power to prevent this Honorable Court from hearing, on the merits, "all cases", as set forth in the U.S. Constitution (Article III, §1, §2[1]).

c. Such usurpation of power and authority by Chief Judge Brieant should be aborted through a 28 U.S.C. §1651[a] writ by this Honorable Court in order to "aid" this Court's constitutional "jurisdiction", which otherwise would be unavailable.

3a. The judiciary, recognizing that a true accounting would expose its criminally corrupt activities, caused to be published in the NEW YORK TIMES and NEW YORK LAW JOURNAL a sham legal notice stating that N.Y. State Referee DONALD DIAMOND ["Diamond"] would "approve" the "final accounting" of LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, on October 30, 1986.

b. Careful arrangements were made that petitioner would not be made aware of such "approval" fraud, which included a perjurious affidavit of service upon petitioner.

c. However, confidential sources advised petitioner of such staged fraud, including that Referee Diamond was to "approve" a non-existing "final accounting".

d(1) Since petitioner's assets were "frozen", making a bankruptcy filing inevitable, petitioner timed his bankruptcy filing so as to occur a few days before such October 30, 1986 judicial fraud.

(2) Such bankruptcy filing vested petitioner's assets, including his contractual based judgment against Puccini, in the

District Court (28 U.S.C. §1334(d)) and aborted such treacherous judicial intrigue.

(3) In retaliation for such bankruptcy filing, an absolute right under Title 11, affirmant was incarcerated without benefit of a trial, without an opportunity for a trial, and without any live testimony in support thereof, until he was released (Sassower v. Sheriff, 651 F. Supp. 128 [SDNY-1986]).

e. However, as a direct result of the aforementioned, petitioner obtained a cornucopia of documentary material concerning judicial corruption, including matters resulting in the publication by UNITED PRESS INTERNATIONAL ["UPI"] correspondent JONATHAN FERZIGER ["Ferziger"] in, inter alia, the Village Voice (June 6, 1988):

"By signing three extraordinary agreements in 1985, however, Raffé agreed to foot all legal costs incurred by Feltman's firm and Citibank's lawyers, Kreindler & Relkin, for defending against Sassower. In exchange, the court agreed to let him go free. The tab so far has come to more than \$2.5 million, paid to both the Feltman and Kreindler firms. Raffé continues to pay with checks from his A.R. Fuels Co. business. 'That's outrageous. It's unbelievable. It's disturbing. . . .' Said Attorney General Abrams when he saw copies of the checks. Abrams is the statutory watchdog over court-appointed receivers like Feltman." [emphasis supplied]

f. The modus operandi in the New York-Second Circuit judicial bailiwick is to convict and sentence to incarcerate without benefit of trial, although constitutionally mandated, but for the payments of "millions of dollars" to the cronies of the judiciary, one need not serve any of the imposed term of incarceration.

g(1) Several years later however, while petitioner was again incarcerated, the FKM&F-K&R entourage arranged for the "approval" by Referee Diamond of this 'phantom' "final accounting", for the discharge of the surety, all with the consent of Abrams, the statutory fiduciary.

(2) Referee Diamond has no power to approve an accounting, certainly not a "phantom" accounting, but with petitioner barred from access to the courts, state and federal, he has been unable to vacate such sham "approval" and fraud upon Puccini's nationwide creditors.

4a. The statutory scheme is that the court-appointed receiver, an arm of the court (Atlantic Trust v. Chapman, 208 U.S. 360, 370-371 [1908]; Booth v. Clark, 17 How [58 U.S.] 322, 331 [1854]), protects the judicial trust against third parties, while Abrams, the NYS AG, protects the judicial trust from the misconduct of the court and the court-appointed receiver.

b. The practices of Abrams, the statutory fiduciary, is pivotal in the Puccini and similar frauds, since as against a court-appointed receiver, a judicial sacred cow, the private attorney has little, if any, power.

c. Abrams, the NYS AG, has great discretionary power (Bus. Corp. Law §1214[a]) and some mandatory "duties", including the "duty" to make application to compel an accounting after the expiration of eighteen (18) months (Bus. Corp. Law §1216[a]).

d. However, in the more than ten (10) years since Puccini was involuntarily dissolved, Abrams has not made a single

application for an accounting, albeit a non-discretionary "duty", nor has any accounting ever been rendered.

e. On the contrary, the Abrams Office, consented to the "approval" of the 'phantom', 'non-existent', "final accounting" submitted by Feltman and the discharge of the bond payable "to the people" (NY Bus. Corp. Law §1204).

f(1) Concealed from the bar and public is that there is a unlawful understanding between Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the Appellate Division, First Judicial Department, wherein Abrams does not protect any judicial trust from the improprieties of the judiciary or its appointees, without Justice Murphy's consent, notwithstanding Abrams trust obligation of "undivided loyalty" (Meinhard v Salmon, 249 N.Y. 458, 164 NE 545, 62 ALR 1 [1928]).

(2) Under such unlawful Murphy-Abrams understanding Abrams, while serving as statutory fiduciary, will simultaneously represent those judges, including Referee Diamond, who are plundering his statutory trust.

(3) In the federal courts, as well as the state courts, in order to assure the consummation of this judicial fraud, the same Assistant Attorney General who is delegated to vouchsafe Puccini's judicial trust assets, represents those jurists and officials who are plundering same.

(4) For example, as a matter of ministerial prohibition, permitting no discretion whatsoever, (22 NYCRR §660.24) NY State Judge DAVID B. SAXE ["Saxe"] diverted a substantial amount of monies from Puccini to FKM&F.

Petitioner, on Puccini's behalf, sued Judge Saxe to recover such diverted monies, and in such action Judge Saxe was represented by the same Assistant Attorney General who served as Puccini's statutory trustee.

Six (6) months later, while such suit against Judge Saxe was still pending, Judge Saxe convicted and sentenced petitioner to be incarcerated for non-summary criminal contempt, all without a trial, without the opportunity for a trial, and without any live testimony in support thereof, Bloom v. Illinois (391 U.S. 194 [1968]) to the contrary notwithstanding.

Such trialess conviction, and other trialess convictions, were thereafter escalated from "sui generis offenses" (Cheff v. Schnackenberg, 384 U.S. 373, 380 [1966]) to "serious crimes" (Blanton v. City of No. Las Vegas, 489 U.S. , 109 S.Ct. 1289 [1989]), and petitioner was disbarred.

(5) With disciplinary proceedings vested in the Appellate Division, attorneys who are aware of judicial misconduct, at pains of potential professional punishment, know they must remain silent, the Canons of Professional Responsibility notwithstanding (DR 1-103).

5a. In addition to Puccini itself, a constitutional "person" (Grosjean v. American Press Co., 297 U.S. 233, 241 [1936]) petitioner, having vested rights in Puccini's assets, has constitutional and statutory rights to demand an "accounting" and know the disposition of its assets (U.S. Constitution, Amendment V, XIV; NY Bus Corp. Law, §1216[a]).

b. The obligation for the court-appointed receiver to file an accounting "at least once a year" (22 NYCRR 202.52[e]), even without any application being made, is a recognition that Puccini, as a person, and the public, have a right to know how judicial assets are being managed.

c. Any order, edict, proclamation, ukase, decree or injunction, particularly those rendered without due process, which relieves the court-appointed receiver of his obligation to account, or impairs the right of petitioner to demand the filing of an accounting, is transparently invalid, not having even a pretense of validity (Walker v. City of Birmingham, 388 U.S. 307, 315 [1967]; Crosby v. Bradstreet, 312 F.2d 483 [1963] cert. den. 373 U.S. 911 [1963]).

6a. In all litigation, state and federal, nisi prius and appellate, opposing the legitimate interests of Puccini was Feltman, the court-appointed receiver, and Abrams, the statutory fiduciary, both acting under "color of law" (42 U.S.C. §1983).

b. Where in all judicial proceedings, the fiduciaries consistently act contrary to their helpless judicial trust the judicial process becomes an unconstitutional charade and legal farce (Evitts v. Lucy, 469 U.S. 387 [1985]).

c. The fact that such treasonous representation was known and was permitted to exist demonstrates the corrupt state of judicial affairs in the New York-Second Circuit bailiwick (Wood v. Georgia, 450 U.S. 261 [1981]; Andres v. California, 386 U.S. 738 [1967]).

d(1) As a matter of law attorneys, such as Abrams and members of his office, while on the government payroll, cannot represent interests adverse to the government (In re, A & B, 44 NJ 331, 209 A2d 101, 17 ALR3d 827 [1965]).

(2) Thus, based on the phantom "final accounting" which Referee Diamond "approved", Abrams consented to the discharge of the receiver's surety company whose bond was to assure the state and "the people" against any loss (NY Bus. Corp. Law §1204).

7a. An essential part of this racketeering scheme, in addition to preventing any stockholder and creditor from petitioning the court for an accounting, is to protect those who corrupt judges, Dennis v. Sparks (supra) notwithstanding.

b. Consequently, corrupt jurists, such as Chief U.S. District Judge CHARLES L. BRIEANT ["Brieant"] of the Southern District of New York, without any due process procedures whatsoever has barred petitioner to access to his judicial district (cf. Bounds v. Smith, 430 U.S. 817, 826 [1977]), even when the purpose is to examine the validity of such ukase (cf. Life & Casualty v McCray, 291 U.S. 566, 575 [1934]; Ex parte Young, 209 U.S. 123, 145-146 [1908]; Cotting v Kansas City, 183 U.S. 79, 99-102 [1901]).

REASONS FOR THE GRANT OF THIS WRIT

1a. The integrity of the federal judicial system in the Second Circuit, including at the Circuit Court level, has been seriously challenged, and the only response, thus far, has been to repeatedly punish petitioner, including by trialess

incarcerations, the freezing of his assets, and other in terrorem actions.

b. Much of the material set forth herein has already been published by the media, including the payment of "millions of dollars" by Raffe to private parties, in order to avoid a trialess incarceration.

c. Paying monies to private parties, in order to avoid sentences of incarceration, is the ultimate judicial abomination, a matter in which the Circuit Court is directly involved.

2a. All judicial authority has rejected and denounced any attempt to bar access to the court for the purpose of reviewing non-judicial orders (Life & Casualty v McCray, supra; Ex parte Young, supra; Cotting v Kansas City, supra).

b. However, as far as petitioner is aware, never before has this Honorable Court been confronted with a situation wherein a judicial administrative order is issued, without any due process, with a concomitant bar for judicial examination.

c. Thus, Chief Judge Brieant issued a sua sponte, without due process, ukase which physically barred petitioner from the Federal Building and Courthouse in White Plains, New York, but because of a similar no due process ukase which bars petitioner access to the court, he cannot challenge the lawfulness of the physical exclusion ukase, and the issue has been placed beyond all judicial review (see Sassower v. Brieant Docket No. 90-6261).

d. Constitutionally significant, as well, is the fact that unless access is afforded to the District Court, the merits of the controversy can never be addressed by this Honorable Court, Article III, §2[1] of the U.S. Constitution to the contrary notwithstanding.

e. Obviously Congress never intended, nor could it constitutionally intend, in creating the District Court, that such District Court would have the power to limit the authority of this Honorable Court by prohibiting access to the District Court.

3a. Puccini is not an isolated case wherein judicial trust and estates are plundered, with judicial participation.

b. The lawless understanding between NYS Attorney General Robert Abrams, the statutory fiduciary, and Presiding Justice Francis T. Murphy, evidences an existing state of corruption wherein these judicial "persons", are treated as mere carrion in an attempt to satisfy the monetary appetites of corrupt judges and their cronies.

c. Where judicial corruption is involved, as will be elsewhere demonstrated, the state-federal relationship is nothing short of incestuous.

d. "Greylord, Justice Chicago Style" (Touhy & Warden), p. 193 et seq., reveals that this judicial racket is not limited to New York.

Dated: February 5, 1991

Respectfully submitted,

GEORGE SASSOWER [GS-0512]
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CERTIFICATION OF SERVICE

On February 7, 1991, I served a true copy of this Petition by mailing same in a sealed envelope, first class, addressed to Hon. Kenneth W. Starr, U.S. Solicitor General, 10th & Constitution Ave., Washington, D.C. 20530; Chief Judge James L. Oakes, Foley Square, New York, N.Y. 10007; Chief Judge Charles L. Brieant, 101 East Post Road, White Plains, N.Y. 10601; Lee Feltman and Feltman, Karesh, Major & Farbman, Esq., 152 West 57th Street, New York, N.Y. 10019; Hon. Robert Abrams, The Capitol, Albany, New York, 12224; Kreindler & Relkin, P.C. 350 Fifth Avenue, New York, N.Y. 10118; and Common Cause 2030 M Street, Washington, D.C. 200036, that being their last known addresses.

Dated: February 7, 1991

GEORGE SASSOWER [GS-0512]
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