

## **NEW YORK CITY CIVIL COURT ADMINISTRATIVE JUDGE ANTHONY CANNATARO**

*"As to Judge Cannataro, the EVIDENCE is also decisive [of his unfitness] – although it requires inquiry of him and others to establish, both as relates to his three-year tenure, from 2000 to 2003, as the principal law clerk at the Court of Appeals to then Associate Judge Carmen Ciparick, and as to the pay raises that have boosted his salary \$80,000 a year since becoming a judge in 2012."*

-- [CJA's June 1, 2021 e-mail to Senate Judiciary Committee:](#)

["Subject: Senate Judiciary Committee procedures for vetting Gov. Cuomo's nominations of Singas & Cannataro to the NY Court of Appeals -- & request to testify in strong opposition at their confirmation hearings, with EVIDENCE, decisive of their unfitness" –](#)

### **EXPLANATORY NARRATIVE OF EVIDENCE – & QUESTIONS FOR JUDGE CANNATARO**

(by CJA Director Elena Sassower, sworn to as true, under penalties of perjury, as likewise her above June 1, 2021 e-mail. The EVIDENCE herein recited is posted and accessible from CJA's EVIDENTIARY webpage pertaining to Judge Cannataro.

The direct link is here: <http://www.judgewatch.org/web-pages/judicial-selection/2021-singas-cannataro/cannataro-evidentiary-webpage.htm>.

Since 1993, CJA has repeatedly alerted the Senate Judiciary Committee to the unconstitutionality and corruption of the "merit selection" process to the New York Court of Appeals – and documented it.

The context of our doing so, in 1993, was our testimony on December 15, 1993 before the Senate Judiciary Committee, in opposition to confirmation of Carmen Ciparick to the New York Court of Appeals, embracing what had occurred, three months earlier, when we had testified in opposition to Howard Levine's confirmation to the Court of Appeals.

Judge Cannataro – who was Judge Ciparick's principal law clerk, at the Court of Appeals, in 2000-2003 – would have been familiar with that testimony, as it was before Judge Ciparick, in 2002, in connection with a May 1, 2002 motion to disqualify her and her fellow Court of Appeals judges – and for disclosure, which accompanied an appeal of right to the Court of Appeals in the landmark lawsuit *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York*.

That case – with its threshold disqualification/disclosure motion – would be remembered by Judge Cannataro, as it was, assuredly, the most, spectacular and explosive cases that came before the Court during his tenure there. In addition to exposing the corruption of the Commission on Judicial Conduct, on which Judge Ciparick had served as a member from 1985-1993 -- enabling the Judiciary to "throw" cases and to corrupt the attorney disciplinary system it controls, aided and abetted by the state attorney general – it exposed the corruption of "merit selection" to the Court of Appeals, involving the Commission on Judicial Conduct, the Commission on Judicial

Nomination, then Governor Pataki, and the Senate Judiciary Committee. Indeed, the genesis of the case was the 1998 “merit selection” of Albert Rosenblatt to the Court of Appeals – and embraced, by the time it reached the Court of Appeals, yet a further example of the corruption of “merit selection” to the Court – in 2000, pertaining to Victoria Graffeo – and recited by the May 1, 2002 disqualification/disclosure motion.

Mr. Cannataro, as Judge Ciparick’s principal law clerk, would have reviewed the May 1, 2002 disqualification/disclosure motion, the accompanying appeal of right, and the June 17, 2002 motion to strike the attorney general’s opposition as a “fraud upon the court”, to sanction and refer him for disciplinary and criminal prosecution – and for his disqualification. As such, he would have been fully knowledgeable of the fraud and obliteration of ALL cognizable standards that she and her fellow Court of Appeals judges committed with respect thereto, by their two September 12, 2002 orders denying all relief. The fraudulence and indefensibility of those two orders was thereafter particularized by an October 15, 2002 reargument motion to vacate them for fraud and lack of jurisdiction, for disclosure and other relief. This, too, Mr. Cannataro would have reviewed, as, likewise, the October 24, 2002 motion for leave to appeal, made returnable with it. He thereby would have been fully knowledgeable of the further fraud and obliteration of judicial duties that Judge Ciparick and her fellow judges committed as to these two final motions, by their two December 17, 2002 orders, denying all relief.

No lawyer familiar with the record of the case – as Mr. Cannataro was – who did not take steps to “blow the whistle” as to the catastrophic corruption it fully documented involving so many governmental entities and safeguards – which the Court of Appeals judges “blessed” and replicated – is fit for ANY office of public trust. Indeed, the motion papers identified not only the judges’ reporting obligations pursuant to §100.3D of the Chief Administrator’s Rules Governing Judicial Conduct, but the parallel provisions, pertaining to the obligations of lawyers to report professional misconduct, pursuant to what was then DR 1-103(A) of New York’s Disciplinary Rules of the Code of Professional Responsibility – and now 8.3 of New York’s Rules of Professional Conduct. As Mr. Cannataro’s desired career path would be ended by any “whistle-blowing”, on his part, he turned his back on his ethical duty – and kept his mouth shut.

Mr. Cannataro’s tenure at the Court of Appeals was a powerful credential – and Judge Ciparick a powerful reference for his future. And exemplifying this is his application to the Court of Appeals, where he may be presumed to have listed Judge Ciparick, in response to the Commission on Judicial Nomination’s Question #35:

“List the names, addresses and telephone numbers of ten persons who know you well in a context relevant to your professional career and to your candidacy with whom the Commission may communicate with respect to your candidacy.”

The consequence of the Court of Appeals’ obliteration of ALL ethical and adjudicative standards in *E.R. Sassower v. Commission* -- abetted by Mr. Cannataro – was to cause vast and irreparable injury to the People of the State of New York, continuing to the present. For starters, it

perpetuated the corruption of the Commission on Judicial Conduct, the corruption of the court-controlled attorney disciplinary system, the corruption of “merit selection” to the Court of Appeals, and a Judiciary which “throws” cases by fraudulent judicial decisions and countenances litigation fraud by the attorney general in defending against meritorious lawsuits to which he has no legitimate defense. And it was to leave the People defenseless against a further assault upon them by a corrupt Judiciary, in collusion with the Executive and Legislative branches – fraudulent, statutorily-violative and unconstitutional pay raises for judges – and district attorneys– secured by “force of law” reports that Mr. Cannataro has fully benefitted from, since becoming a judge in 2012 – such that his salary has been, for the past several years, some \$80,000 above what it lawfully is.

Is Judge Cannataro unaware that those reports – the August 29, 2011 report of the Commission on Judicial Compensation and the December 24, 2015 report of the Commission on Legislative, Judicial and Executive Compensation – *on their face* violate the statutes pursuant to which they purport to be rendered and are “false instrument”, violative of a succession of penal laws? And is he unaware of CJA’s lawsuits challenging them – most importantly, the citizen-taxpayer action, *CJA v. Cuomo...DiFiore, et al.* – about which the New York Law Journal published my important letter to the editor, in August 2019, identifying its shocking record – including at the Court of Appeals, accessible from CJA’s website.

On November 4, 2019, in the presence of judges including Chief Administrative Judge Marks, who, in 2018, appointed Judge Cannataro as NYC Civil Court Administrative Judge, I gave fiery testimony to the (2<sup>nd</sup>) Commission on Legislative, Judicial and Executive Compensation about those commission reports, about the published New York Law Journal letter, and about my December 31, 2015 letter to then Westchester D.A./Chief Judge Nominee DiFiore, furnishing her with proof pertaining to the reports, including the final two motions, at the Court of Appeals, in *E.R. Sassower v. Commission on Judicial Conduct* and the two December 17, 2002 decisions thereon – the same as I had handed up to the Commission on Judicial Compensation in support of my July 20, 2011 testimony before it and handed up to the 1<sup>st</sup> Commission on Legislative, Judicial and Executive Compensation in support of my November 30, 2015 testimony before it, without any findings of fact and conclusions of law made by either commission.

Has Judge Cannataro ever examined the *CJA v. Cuomo....DiFiore* record – whose total obliteration of anything resembling the “rule of law” by (acting) Supreme Court justices, Appellate Division justices, and the Court of Appeals judges is on par with what the record revealed to him in *E.R. Sassower v. Commission on Judicial Conduct*. And, if he knew nothing of *CJA v. Cuomo...DiFiore* – until now – a case exponentially more explosive and far-reaching than *E.R. Sassower v. Commission on Judicial Conduct*, involving as it does the constitutionality of the whole of the state budget and the collusion of the three government branches in the collapse of separation of powers and constitutional governance, what does he believe his duty to be now, as a judge, pursuant to §100.3D of the Chief Administrator’s Rules Governing Judicial Conduct? Will he examine the EVIDENCE and “whistle-blow” – starting with the Court of Appeals’ October 24, 2019 order disposing of the May 31, 2019 reargument motion for disqualification of, and disclosure by, its judges, vacatur for fraud, and lack of jurisdiction -- the particulars of which were laid out

by a final November 25, 2019 motion, disposed of by their February 18, 2020 order. Can he justify those orders – in any respect – or does he agree that they are judicial frauds, rendered by judges without jurisdiction by reason of their direct financial and other interests, proscribed by Judiciary Law §14?

And what remedy does Judge Cannataro suggest to the People of the State of New York for what the Court of Appeals did in *CJA v. Cuomo...DiFiore*? And let him not suggest the Commission on Judicial Conduct, whose brazen corruption – perpetuated by the Court of Appeals in *E.R. Sassower v Commission on Judicial Conduct* -- is verifiable from its latest outrage: its May 5, 2021 dismissal of the February 7, 2021 complaint against the Court of Appeals associate judges, Chief Judge DiFiore, and Chief Administrative Judge Marks that we filed with it, based on the record in *CJA v. Cuomo...DiFiore*.

Finally, since the People of the State of New York would be paying the salary of Judge Cannataro as a Court of Appeals associate judge, upon his rigged, unconstitutional confirmation, what is the salary he plans to draw?