

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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November 9, 2024

TO: New York State Commission on Judicial Conduct

FROM: Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Conflict-of-Interest/Corruption Complaint vs Appellate Division, Third Department Presiding Justice Elizabeth Garry and Nine Associate Justices for corrupting the appellate process in *Center for Judicial Accountability v. JCOPE, et al.* ([CV-23-0115](#)) to financially benefit themselves and protect and insulate from accountability corrupt executive and legislative respondents with whom they have relationships and dependencies.

THE COMPLAINT

Pursuant to [Article VI, §22 of the New York State Constitution](#) and [Judiciary Law §44.1](#), I file this facially-meritorious, fully-documented conflict-of-interest/corruption complaint against ten justices of the Appellate Division, Third Department for “wilful misconduct in office”¹, obliterating the “rule of law” and ALL cognizable adjudicative standards in the appeal of *Center for Judicial Accountability v. JCOPE, et al.* ([CV-23-0115](#)) to benefit themselves and protect and insulate from accountability corrupt executive and legislative respondents with whom they have relationships and dependencies.

The ten complained-against justices are:

- Presiding Justice Elizabeth A. Garry;
- Associate Justice Christine M. Clark;
- Associate Justice Mark L. Powers;
- Associate Justice Andrew G. Ceresia;
- Associate Justice Lisa M. Fisher;
- Associate Justice Michael C. Lynch;
- Associate Justice Stan L. Pritzker;
- Associate Justice John C. Egan, Jr.;
- Associate Justice Molly Reynolds Fitzgerald;
- Associate Justice Eddie J. McShan.

¹ [New York State Constitution, Article I, §6.](#)

The most culpable of these ten are the first five – Garry, Clark, Powers, Ceresia, and Fisher – constituting the appeal panel which heard the case at the [April 22, 2024 oral argument](#) and “threw” the appeal by their fraudulent June 20, 2024 Memorandum and Order ([NYSCEF #51](#)). The particulars of what they did – and the collusion of five other justices participating with them on prior motion panels and pertaining to the related appeal in *Cuomo v. Commission on Ethics and Lobbying in Government* ([CV-23-1778 – NYSCEF #31](#)) – is set forth by CJA’s 26-page, single-spaced “legal autopsy”/analysis of the Memorandum and Order ([NYSCEF #54](#)). It was before the appeal panel as Exhibit A to CJA’s July 4, 2024 motion for reargument, leave to appeal to the Court of Appeals, and vacatur upon transfer to federal court ([NYSCEF #52](#)), which the appeal panel denied by an October 10, 2024 “Decision and Order on Motion” ([NYSCEF #62](#)), *without* decision, *without* facts, and *without* law.

The June 20, 2024 Memorandum and Order and October 10, 2024 “Decision and Order on Motion” are now before the Court of Appeals by [CJA’s October 21, 2024 Notice of Appeal, of right](#), whose Exhibit 4, Preliminary Appeal Statement, appends the prior “Decisions and Orders on Motions”, all, likewise, *without* decision, *without* facts, and *without* law.

Highlighted throughout the “legal autopsy”/analysis ([NYSCEF #54](#)) is the justices’ collusion with Attorney General Letitia James, a respondent representing herself and her fellow respondents, who, in the absence of ANY legitimate defense, corrupted the appellate process with litigation fraud – for which the justices rewarded her by their fraudulent judicial decisions. This is now the subject of [CJA’s October 24, 2024 conflict-of-interest/corruption complaint against AG James to the Attorney Grievance Committees](#).

As stated 120 years ago by the Appellate Division, First Department in [Matter of Bolte, 97 AD 551, 568 \(1st Dept. 1904\)](#)²

“A judicial officer may not be removed for merely making an erroneous decision or ruling, but he may be removed for *willfully* making a wrong decision or an erroneous ruling, or for a reckless exercise of his judicial functions without regard to the rights of litigants, or for manifesting friendship or favoritism toward one party or his attorney to the prejudice of another...” (at 568, emphasis in the original).

“...Favoritism in the performance of judicial duties constitutes corruption as disastrous in its consequence as if the judicial officer received and was moved by a bribe.” (at 574).

² Cited to, more than a quarter of a century ago, by this Commission’s then administrator and counsel, Gerald Stern, in his August 20, 1998 [New York Law Journal](#) column, “*Judicial Independence is Alive and Well*”.

Four years later, the Appellate Division, First Department would reiterate in [Matter of Droege, 129 AD 866, 882 \(1909\)](#):

“A single decision or judicial action, correct or not, which is established to have been based on improper motives and not upon a desire to do justice or to properly perform the duties of his office, will justify a removal...”.

Although your rules do not require complainants to swear to the truth of their judicial misconduct complaints, I affirm the foregoing to be true under penalties of perjury, pursuant to CPLR §2016.

Thank you.

s/ Elena Ruth Sassower

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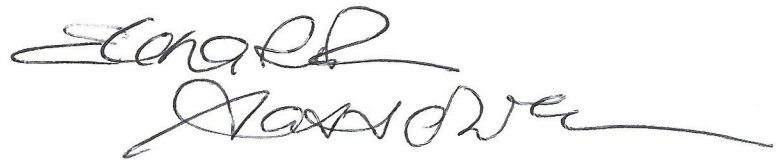
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A handwritten signature in black ink, appearing to read 'Elena Ruth Sassower', with a long horizontal flourish extending to the right.