

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: mail@judgewatch.org
Website: www.judgewatch.org

July 18, 2024

TO: District Attorneys Association of the State of New York (DAASNY)
ATT: President/Richmond County D.A. Michael McMahon
NYS' 61 Other D.A. and Acting D.A. Members

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

RE: NOTICE & GRAND JURY/PUBLIC CORRUPTION COMPLAINT: Your D.A. salary increases, the judicial salary increases on which they are based, and the violations of New York's penal laws by state legislators and others within your geographic jurisdictions, established by CJA's February 23, 2024 grand jury/public corruption complaint to Albany County D.A. Soares that he has been "sitting on"

This is to give you NOTICE that the district attorney salary increases that took effect on April 1, 2024 as a result of the statutory link between D.A. salaries and judicial salaries did so because of Albany County D.A. Soares' willful nonfeasance with respect to [CJA's February 23, 2024 grand jury/public corruption complaint](#) to him, proving, by an enclosed [January 18, 2024 Opposition Report](#), that the December 4, 2023 Report of the (3rd) Commission on Legislative, Judicial and Executive Compensation, raising judicial salaries, is a "false instrument", violative of penal laws including:

[Penal Law §175.35](#) ("offering a false instrument for filing in the first degree");
[Penal Law §195](#) ("official misconduct");
[Penal Law §105.15](#) ("Conspiracy in the second degree");
[Penal Law §20.00](#) ("criminal liability for conduct of another");
[Penal Law §496](#) ("corrupting the government") – part of the "Public Trust Act".

The facts pertaining to D.A. Soares' nonfeasance, born of financial interests expressly proscribed by the Albany County Code of Ethics, are set forth by [CJA's July 17, 2024 complaint against him to the Albany County Ethics Commission](#), sent to him with an [accompanying letter](#).

Eight years ago, I stated to 24 of you¹ and to 38 of your predecessors, in connection with the two prior "false instrument", penal law-violating commission reports increasing judicial and, therefore, D.A. salaries:

¹ These 24 are D.A.s Soares, Fitzpatrick, Sprague, Hoovler, Tendy, Wetmore, Wylie, Stanzione, Gabor, Muehl, Heggen, Carney, Fazzary, Martin, Jordan, Carpenter, Mills, McCaffrey, Doorley, Baker, Rieman,

“...it is the duty of each district attorney, upon verifying the facts and evidence...to apprise his/her county attorney, county legislative board, and county executive officer, that he/she is disavowing the reports and to advise them to secure a judicial declaration to void the reports... For any district attorney to do otherwise and claim, let alone even accept, the salary increases, in face of *prima facie* proof that they are fraudulent and lawless, would make him/her complicit in the very penal law violations that are his/her duty to prosecute.” ([CJA’s July 1, 2016 letter](#), p. 1; [CJA’s July 8, 2016 NOTICE](#), p. 2).

This is now your duty with respect to this third “false instrument”, penal law-violating report of which you are beneficiaries.

Additionally, inasmuch as most of the seven members of the Commission on Legislative, Judicial and Executive Compensation and most of the conspiring constitutional officers who are the subject of the February 23, 2024 grand jury/public corruption complaint have residences and offices in counties other than Albany, this is to initiate a grand jury/public corruption complaint with each of you, based thereon, so that you can investigate and prosecute those over whom you have geographic jurisdiction.

In view of the rapidly-approaching November elections, priority must be given to investigating and prosecuting the 213 conspiring state legislators elected from districts within your counties, as most are running for re-election. Topping the list in importance are the leaders of the Senate and Assembly and their pertinent committees. Among these:

- [Temporary Senate President Andrea Stewart-Cousins](#) (Westchester County)
- [Assembly Speaker Carl Heastie](#) (Bronx County)

- [Senate Minority Leader Robert Ort](#) (Niagara, Orleans, Monroe Counties)
- [Assembly Minority Leader William Barclay, ESQ.](#) (Oswego, Cayuga, Jefferson Counties)

- [Senate Deputy Majority Leader Michael Giannaris, ESQ.](#) (Queens County)
- [Assembly Majority Leader Crystal Peoples-Stokes](#) (Erie County)

- [Senate Deputy Minority Leader Andrew Lanza, ESQ.](#) (Richmond County)
- [Assembly Minority Leader Pro Tempore Andrew Goodell, ESQ.](#) (Chautauqua County)

- [Senate Judiciary Committee Chair Brad Hoylman-Sigal, ESQ.](#) (New York County)
- [Ranking Member Anthony Palumbo, ESQ.](#) (Suffolk County)
- [Assembly Judiciary Committee Chair Charles Lavine, ESQ.](#) (Nassau County)
- [Ranking Member Michael Tannousis, ESQ.](#) (Richmond, Kings Counties)

- [Senate Codes Committee Chair Jamaal Bailey, ESQ.](#) (Bronx, Westchester Counties)
- [Ranking Member Anthony Palumbo, ESQ.](#) (Suffolk County)
- [Assembly Codes Committee Chair Jeffrey Dinowitz, ESQ.](#) (Bronx County)
- [Ranking Member Angelo Morinello, ESQ.](#) (Niagara, Erie Counties)

- [Senate Committee on Local Government Chair Monica Martinez](#) (Suffolk County)
- [Ranking Member Steven Rhoads, ESQ.](#) (Nassau County)
- [Assembly Committee on Local Governments Chair Fred Thiele, ESQ.](#) (Suffolk County)

- [Senate Finance Committee Chair Liz Krueger](#) (New York County)
- [Ranking Member Tom O'Mara, ESQ.](#)
(Chemung, Schuyler, Seneca, Tioga, Steuben, Yates, Allegany Counties)
- [Assembly Ways and Means Committee Chair Helene Weinstein, ESQ.](#) (Kings County)
- [Ranking Member Edward Ra, ESQ.](#) (Nassau County)

- [Senate Budget & Revenue Committee Chair Andrew Gouardes, ESQ.](#) (Kings County)
- [Ranking Member Bill Weber](#) (Rockland County)

- [Senate Committee on Investigations & Gov't Operations Chair James Skoufis](#)
(Orange County)
- [Ranking Member Tom O'Mara, ESQ.](#)
(Chemung, Schuyler, Seneca, Tioga, Steuben, Yates, Allegany Counties)
- [Assembly Committee on Governmental Operations Chair John McDonald](#)
(Albany, Rensselaer, Saratoga Counties)
- [Ranking Member Michael Durso](#) (Nassau, Suffolk Counties)

- [Assembly Committee on Investigations, Oversight & Analysis Chair Clyde Vanel, ESQ.](#)
(Queens County)
- [Ranking Member Joe Angelino](#)
(Broome, Chenango, Delaware, Madison, Otsego, and Sullivan Counties)

- [Legislative Commission on Gov't Administration Assembly Chair Robert Carroll, ESQ.,](#)
(Kings County)

- [Senate Committee on Ethics and Internal Governance Chair Neil Breslin, ESQ.](#) (Albany, Schenectady, Montgomery Counties)
- [Ranking Member Steven Rhoads, ESQ.](#) (Nassau County)
- [Assembly Committee on Ethics and Guidance Chair Jo Anne Simon](#) (Kings County)
- [Ranking Member Joseph Giglio](#) (Cattaraugus, Allegany, Steuben Counties).

The corruption of most of these same legislators with respect to the prior two “false instrument”, penal-law violating reports increasing judicial and D.A. salaries – and the comparably “false instrument” penal law-violating report increasing legislative and executive salaries – is already familiar to you. Four years ago, it was the subject of CJA’s 62 grand jury/public corruption complaints to 36 of you² and to 26 of your predecessors. These [grand jury/public corruption complaints, dated June 4, 2000 to July 1, 2000](#), are incorporated herein by reference in further support of this July 18, 2024 grand jury/public corruption complaint.

The 62 grand jury/public corruption complaints are relevant and incorporated for a further reason: each particularizes the conflicts of interests specific to each of the 62 D.A.s to which it was addressed. Illustrative is [CJA’s June 29, 2020 grand jury/public corruption complaint to Onondaga County D.A. Fitzpatrick](#), the lead co-chair of the 2013-2014 D.A.-stacked Commission to Investigate Public Corruption, stating (at pp. 7-9):

“Like the complained-against state legislators, you took the same oath of office prescribed by Article XIII, §1 of the New York State Constitution, to ‘support the constitution of the United States, and the constitution of the State of New York, and ...[to] faithfully discharge the duties of the office of...’. Indeed, Article XIII, §13(b) puts you in charge of its adherence, on pain of your own removal, stating:

‘Any district attorney who shall fail faithfully to prosecute a person charged with the violation in his county of any provision of this article which may come to his knowledge, shall be removed from office by the governor, after due notice and an opportunity of being heard in his defense...’

Needless to say – and this is threshold – if you are unable to impartially discharge your duties to enforce the penal law and Article XIII, §1 and Article I, §6 of the New York State Constitution with respect to this complaint because of relationships with the complained-against legislators or other interests, you must recuse yourself and take steps to secure appointment of a special prosecutor.^{fn7} You already know the

² These are, in addition to the 24 listed at fn.1, D.A.s Walsh, Ferrarese, Perfetti, (Mary) Donnelly, Mallery, Pasqua, Van Houten, Carosone, Ritts, Casella, Gonzalez, and Katz.

^{fn7} See, National Prosecution Standards of the National District Attorneys Association, Section 1-3.3 ‘Specific Conflicts’, subdivision (d):

background facts and evidence pertaining to the August 29, 2011 commission report and the budget as you were lead chair of the sham, district attorney-stacked Commission to Investigate Public Corruption, to which I furnished everything, at that time – and which not only allowed District Attorney Soares – a Commission member – to flout conflict-of-interest rules and ‘sit on’ my fully-documented July 19, 2013 and January 7, 2014 corruption complaints, but likewise flouted conflict-of-interest rules and outrightly lied, by its February 7, 2014 letter to me, that those corruption complaints, which I also filed with the Commission, were ‘outside our mandate’.^{fm8}

2-1/2 years later, by e-mailed letters dated July 1, 2016 and July 8, 2016, I sent you NOTICE of what had happened since: the ongoing corruption of the budget and now a December 24, 2015 commission report – and that both the August 29, 2011 and December 24, 2015 reports were ‘false instruments’, financially benefiting you and 55 other full-time district attorneys, *at the expense of 56 counties*, and that your duty was to verify the facts and take corrective steps. In the absence of response from you – and from your fellow district attorneys – I filed an October 14, 2016 conflict-of-interest/misconduct complaint against all of you with New York’s attorney disciplinary committees, reciting, at the outset, the testimony that district attorneys

‘The prosecutor should excuse himself or herself from any investigation, prosecution, or other matter where personal interests of the prosecutor would cause a fair-minded, objective observer to conclude that the prosecutor’s neutrality, judgment, or ability to administer the law in an objective manner may be compromised.’

Section 1-3.5 ‘Special Prosecutors’:

‘Where an actual or potential conflict of interest exists that would prevent the prosecutor’s office from investigating or prosecuting a criminal matter, the prosecutor’s office should appoint, or seek the appointment of a ‘special prosecutor,’ or refer the matter to the appropriate governmental authority as required by law....’

Section 1-3.4 ‘Conflict Handling’:

‘Each prosecutor’s office should establish procedures for handling actual or potential conflicts of interest. These procedures should include, but are not limited to:

...

b. Methods to accurately document the manner in which conflicts were handled to ensure public trust and confidence in the prosecutor’s office.’”

had given before the Legislature, on June 8, 2016, as to the supposed adequacy of the attorney disciplinary committees in policing unethical district attorney conduct. I simultaneously e-mailed it to you and the other district attorneys – and received no response from any of you.^{fn 9}”.

The annotating fn. 8 read:

“The mountain of documentary evidence I furnished the Commission to Investigate Public Corruption at its September 17, 2013 hearing – over which you presided – is visible from the VIDEO of my testimony. CJA’s webpage for the VIDEO, also posting my prior and subsequent correspondence to the Commission and to you, directly, is here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/people-evidence/sassower-elena.htm>.

CJA’s April 23, 2014 motion to intervene in the Legislature’s declaratory judgment action against the Commission, particularizing the true facts about the Commission and how it operated, is here: <http://www.judgewatch.org/web-pages/searching-nys/commission-to-investigate-public-corruption/holding-to-account/4-23-14-osc-with-notice-to-produce.htm>.”

Annotating fn. 9 read:

“The July 1, 2016 and July 8, 2016 letter-NOTICES and October 14, 2016 conflict-of-interest/misconduct complaint are aggregated on a webpage entitled ‘How Many D.A.s Does It Take to Confront Evidence & Abide by Ethical Rules?’. It is accessible from the link ‘Showcase of *ALREADY-DEMONSTRATED* District Attorney Conflicts of Interest’, posted on the webpage for this grand jury/corruption complaint. The direct link to the ‘How Many D.A.s...’ webpage is here: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/how-many-das-menu.htm>.”

I received no response from Onondaga D.A. Fitzpatrick to this June 29, 2020 grand jury/public corruption complaint, even after sending him a reminding [July 31, 2020 e-mail](#). The other D.A.s, [also prompted by reminding e-mails](#), also did not respond to CJA’s grand jury/public corruption complaints addressed to them, except for three, D.A. Soares being the first – and his disingenuous two-sentence July 27, 2020 letter is quoted by CJA’s February 23, 2024 grand jury/public corruption complaint (at p. 7) in the section entitled “Your Threshold Duty to Confront Your Conflicts of Interest”.

Consistent with CJA's July 17, 2024 transmittal letter to D.A. Soares, please confirm that by reason of your financial and other conflicts of interests pertaining to this July 18, 2024 grand jury/public corruption complaint, involving your D.A. salaries and state legislators and others with whom you have relationships, you will be recusing yourselves – and advise as to the protocol you will be employing for securing a “special prosecutor” or whether you will be referring the matter to an “appropriate governmental authority”, as indicated by Section 1-3.5 of the National Prosecution Standards of the National District Attorneys Association,³ hereinabove quoted from CJA's June 29, 2020 grand jury/public corruption complaint to D.A. Fitzpatrick, replicated in all the 61 other 2020 grand jury/public complaints to you and your predecessors – and quoted, as well, at page six of CJA's February 23, 2024 grand jury/public corruption complaint to D.A. Soares, quoting from [CJA's June 4, 2020 grand jury/public corruption complaint](#) to him.

So that I may be guided accordingly, please let me hear from each of you by no later than two weeks from today, August 1, 2024, with respect to both the NOTICE and July 18, 2024 grand jury/public corruption complaint, herewith filed with you.

I am available to answer questions, including under oath and unreservedly attest to the truth of the foregoing – adopting the words of the complaint form for D.A. Soares' no longer extent Public Integrity Unit:

“I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.”

Thank you.

s/Elena Ruth Sassower

³ This is now Section 1-3.6 of the [2023 National Prosecution Standards \(4th edition\)](#).