

From: Bill Bastuk <itcouldhappen@rochester.rr.com>
Sent: Friday, November 4, 2016 1:23 PM
To: Jeffrey Deskovic
Cc: Elena @ Center for Judicial Accountability

Subject: Re: E-Intro; article on prosc. misconduct in 15 cases

Thank You Jeff. The article on Cayuga was this weeks Wed Watch. DA's may use this as a showcase on how the current grievance system works. We are not going to buy it and have a few rebuttal's.

Ellen I look forward to speaking with you.

You may call me at 585-503-6826 any time this weekend.

The Senator and Assemblyman are in process of amending the bill-so it would be good for you to send me your thoughts before we talk.

Jeff thank you for noting I am not a dictator-hopefully we won't be electing one. I am ordering a new passport just in case. I am only 1.5 hrs away from the Canadian border.

Best,
Bill

From: [Jeffrey Deskovic](#)
Sent: Friday, November 04, 2016 12:34 PM
To: [Bill Bastuck's other address](#)
Cc: <mailto:elena@judgewatch.org>
Subject: E-Intro; article on prosc. misconduct in 15 cases

Hi Bill,

I wanted to do an e-introduction between you and Elena Sassower, who is the Director Center for Judicial Accountability. She has been following our work in trying to establish the commission, and she would like to offer some input, advise, and ideas.

Per our (yours and my) conversation following our most recent end of legislative session conversation in which our bill did not pass, you mentioned to me that the bill should be tweaked a little. In light of that, when Ms. Sassower spoke with me on the phone a few minutes ago, letting me know that there were some changes she would like to see to the bill, I thought that it was perfect timing for me to introduce the two of you. I told Ms. Sassower that I would do this e-introduction and she could then send you her ideas on proposed changes and you then disseminating same for consideration by the advisory board and board so we could consider her ideas and decide and if we like them or not. I told her that at the time of

dissemination I would then consider her ideas at that time, rather than her laying them out to me on the phone.

She also has some ideas as to some additional tactics we could employ. I encourage her to share those with you, and again, they should be considered and if it is decided that we like them we move ahead with them to incorporate them into our strategy while at the same if we don't think some of them are effective then of course we are not obligated.

She does spend a lot of time researching issues, is passionate, has been at it a long time, and was very supportive of me during my unsuccessful effort at blocking the confirmation of DiFiore as chief judge.

Ellen, Bill is the president/chairman (I forgot his technical title, but he is the Founder of the group and spearheads it, always expanding the coalition and involving people while building consensus- he is not at all a dictator) of It Can Happen To You, which is a coalition group made of many different criminal justice reform organizations, individual advocates, and lay people, who work together to on wrongful conviction and false accusation measures, which at this time is mainly focused on the commission on prosecutor conduct, while our other issue is automatic discovery. He is former Monroe County Legislator, town councilman, and former staff of a NYS Senator. He was falsely accused of a rape, and was acquitted in 1 hour. It cost him around \$150,000 and his reputation, and he is using his skills at coalition building and his knowledge of the inner workings of the legislature to advance the cause.

With that introduction, I will step out of the way and let you two communicate directly. I look forward to seeing the suggested ideas and contemplating them in the future. Let me run now- I have some law school homework to do. :)

Best,

Jeffrey Deskovic

Executive Director of The Jeffrey Deskovic Foundation for Justice; Criminal Justice Advocate; Exoneree

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From: elena@judgewatch.org

To: j.deskovic@hotmail.com; jeffreydeskovicfoundation@gmail.com

Subject: FW: Follow-up to your article: "Ex-prosecutor: Cayuga County DA secretly withheld key evidence in 15 cases" (Syracuse Post-Standard/Syracuse.com: Oct. 31, 2016)

Date: Fri, 4 Nov 2016 12:13:41 -0400

Dear Jeff,

As discussed. Please forward to your colleagues working to achieve a commission on prosecutorial conduct.

Thank you.

Elena
914-421-1200

From: Center for Judicial Accountability, Inc. (CJA) [<mailto:elena@judgewatch.org>]

Sent: Wednesday, November 2, 2016 9:04 AM

To: 'jobrien@syracuse.com' <jobrien@syracuse.com>

Cc: 'gtkelder@law.syr.edu' <gtkelder@law.syr.edu>; 'Jeffrey Deskovic' <j.deskovic@hotmail.com>; 'jeffreydeskovicfoundation@gmail.com' <jeffreydeskovicfoundation@gmail.com>

Subject: Follow-up to your article: "Ex-prosecutor: Cayuga County DA secretly withheld key evidence in 15 cases" (Syracuse Post-Standard/Syracuse.com: Oct. 31, 2016)

Dear Mr. O'Brien

RE: "Ex-prosecutor: Cayuga County DA secretly withheld key evidence in 15 cases" (Syracuse Post-Standard – Syracuse.com: October 31, 2016):

http://www.syracuse.com/crime/index.ssf/2016/10/ex-prosecutor_cayuga_county_da_secretly_withholds_key_evidence_from_drug_defenda.html#incart_most-read_news_article

Your important article states:

"Domachowski filed complaints about Budelmann's practices with the state Attorney General's Office and the Grievance Committee for the Fourth Judicial Department, which investigates allegations of lawyer misconduct."

When were these misconduct complaints filed? And what is their status?

How the Fourth Department attorney disciplinary committee is handling Domachowski's complaint against Cayuga County District Attorney Budelmann is relevant to the question as to whether there should be a commission on prosecutorial conduct. Senator DeFrancisco introduced a Senate bill to establish such a commission – and held a public forum at the Capitol in Albany on June 8, 2016, together with Assemblyman N. Nick Perry, who sponsored an identical Assembly bill. This was opposed by the District Attorneys Association of the State of New York (DAASNY) – whose now president Oneida County District Attorney McNamara

testified in opposition, along with other district attorneys and high-level D.A. staff. Among their claims was that the attorney disciplinary committees are adequate enforcers of ethical standards for district attorneys.

This proposition is expressly being tested by another misconduct complaint against D.A. Budelmann – and against ALL New York State’s other district attorneys, including the 10 district attorney members, past and present, of the D.A.-stacked Commission to Investigate Public Corruption (Onondaga County D.A. Fitzpatrick among them) – filed with all eight of this state’s attorney disciplinary committees. Dated October 14, 2016, the complaint is from our non-partisan, non-profit citizens’ organization, Center for Judicial Accountability, Inc. (CJA), and pertains to all these district attorneys’ willful and deliberate violation of conflict-of-interest rules and mandatory reporting obligations with respect to high-level governmental corruption involving their own district attorney salaries.

The October 14, 2016 misconduct complaint, together with the video of the June 8, 2016 public forum on the bills to establish a commission on prosecutorial conduct, are posted on CJA’s website, www.judgewatch.org, accessible *via* the prominent homepage link: “NO PAY RAISES FOR NEW YORK’S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!” (see #14 on menu page). For your convenience, here’s the link directly: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/10-14-16-complaint-vs-soares-etc.htm>.

I am available to answer your questions – and to be interviewed -- about this politically-explosive misconduct complaint against D.A. Budelmann and his fellow district attorneys and about the efficacy of the attorney disciplinary committees.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
914-421-1200