

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, April 19, 2024 6:28 PM
To: 'editor@messengerpapers.com'

Subject: **The connection failed -- call me back, when convenient. This is an EXPLOSIVE story -- & it brings down ALL NY's posturing public officers for their knowing and deliberate corruption of constitutional, lawful governance, & NY's "fake news" press, etc....**

Attachments: [ExH-article7-sec1-7-plus-article3-sec10.pdf](#)

Dear Matt,

Above-attached is Article VII, Sections 1-7 and Article III, Section 10 of the New York State Constitution, which, as reflected by my [March 31, 2016 e-mail to the press](#) entitled "HAVE YOU READ WHAT THE NEW YORK STATE CONSTITUTION HAS TO SAY ABOUT THE NEW YORK STATE BUDGET?", it has known about, for years.

Also, here's the NYSCEF docket for the [appeal of CJA v JCOPE, et al. \(CV-23-0115\)](#) that is going to be argued on Monday at the Appellate Division, Third Dept. at the session that begins at 1 pm. The case is #3. You can watch the live-stream from a link accessible from AD3's [homepage](#). Here's the [calendar listing for the 1 pm session](#).

The case has four causes of action pertaining to the NYS budget – the 6th, 7th, 8th, and 9th. The most important – and the reason I brought the lawsuit – is the 6th cause of action pertaining to the unconstitutionality of the "non-appropriation", so-called "Article VII" budget bills – which is how JCOPE was repealed and replaced by COELIG, by the so-called "ethics commission reform act of 2022" that was inserted, *via* behind-closed-doors 3-person-in-a-room-budget-dealmaking, into Education, Labor, Housing & Family Assistance Budget Bill S.8006-C/A.9006-C as Part QQ.

The record of the case in the lower court is [here – Albany Co. #904235-22](#).

As part of the record on appeal, the June 6, 2022 verified complaint is in Vol 1 of the record on appeal, [NYSCEF #6](#) and the sixth cause of action is at R.81-R.84. The starting point for verifying the sixth cause of action – and so-stated therein – is my March 18, 2020 letter to then Gov. Cuomo, with its analysis of the fraud that has been going on with the draft "Article VII" budget bills (posted on the Division of Budget website) that require Senate and Assembly sponsors that morph into actual budget bills (posted on the Senate and Assembly websites) that, without sponsors, are introduced by the Governor "pursuant to article seven of the Constitution", followed by an analysis of the Court of Appeals 2004 decision in *Silver v. Pataki*. The letter is at R.132-145 – and so important that I extracted it to be Exhibit 2 ([NYSCEF #37](#)) of my January 22, 2024 reply affidavit in further support of my motion to have the *CJA v. JCOPE* appeal heard with the appeal (of the AG) in *Cuomo v. COELIG*. The concluding paragraphs of the reply affidavit ([NYSCEF #35](#)) give the particulars relating to the current FY2024-25 budget bills, as follows:

"12. Coincidentally, and adding further grounds for a calendar preference to move the CJA appeal up from the April term to the February term, is that on January 16, 2024, Governor Hochul released her FY2024-25 executive budget, with five 'Appropriations Bills' dated January 16, 2024, bearing Senate-Assembly numbers

S.8300/A.8800 to S.8304/A.8804, plus five so-called ‘Article VII Bills’ in draft format, requiring Senate and Assembly sponsors, accompanied by memoranda in support – and so-reflected by the Governor’s [Division of the Budget website](#). Yet, on the Senate and Assembly websites, the five draft bills had morphed into actual bills, without Senate and Assembly sponsors, purporting to be ‘submitted by the Governor pursuant to article seven of the Constitution’, bearing Senate-Assembly bill numbers S.8305/A.8805 to S.8309/A.8809 and a January 17, 2024 date of introduction. In other words, the same scenario of unconstitutionality and fraud, chronicled by CJA’s March 18, 2020 letter to then Governor Cuomo [at R.133-135] and June 28, 2022 CPLR §2214(c) notice [at R.519-521 (¶¶4, 5, 6)] is repeating.

13. Because of the importance of CJA’s March 18, 2022 letter [[R.132-154](#)] and June 28, 2022 CPLR §2214(c) notice [[R.518-527](#)] – the latter concluding with a paragraph reading:

‘PLEASE ADDITIONALLY TAKE NOTICE that your failure to make such production will entitle petitioners [to] the granting of the relief sought by their June 23, 2022 notice of petition, starting [with] the requested TRO, preliminary injunction, and declaration that Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill S.8006-C/A.9006-C – the ‘ethics commission reform act of 2022’ – is unconstitutional, unlawful, and void as it was enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw.^{fn4}’
(capitalization in the original) –

I have extracted both from the *CJA v. JCOPE, et al.* record on appeal and annexed them to this reply affirmation as Exhibits 2 and 3.”

The annotating fn 4, with its hyperlinking, reads:

“The Assembly webpage for the ‘2024-2025 Executive Proposal’ is [here](#). The Senate does not seem to have a comparable webpage, but here are its webpages for the five morphed ‘Article VII Bills’:

[S.8305/A.8805 \(Public Protection & General Government\)](#);
[S.8306/A.8806 \(Education, Labor & Family Assistance\)](#);
[S.8307/A.8807 \(Health & Mental Hygiene\)](#);
[S.8308/A.8808 \(Transportation, Economic Development & Environmental Conservation\)](#);
[S.8309/A.8809 \(Revenue\)](#).”

Call me, anytime, over the weekend – no matter how early or late. This is a major, major story – with explosive consequences, including for NY’s “fake news” press which, by its knowingly false and misleading news reporting and editorializing, has been deliberately rigging elections.

Thank you.

Elena
914-421-1200

cell: 646-220-7987

elena@judgewatch.org