

**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>  
**Sent:** Wednesday, August 28, 2024 8:11 AM  
**To:** 'Stephen.Marth@Charter.com'; 'Buffalo-news@charter.com'  
**Cc:** 'Michael.Keane@erie.gov'; 'info@mikekeaneforda.com';  
'info@gardnerforda.com'; 'jamesgardner5@gmail.com'  
**Subject:** **INFORMING THE VOTERS: Erie County's D.A. Candidates Keane & Gardner, its 15 State Legislators, 4 Uncontested for Re-Election & its 4 Uncontested Supreme Court Judgeships**

**Attachments:** [7-18-24-daasny-notice-complaint.pdf](#);  
[7-17-24-complaint-vs-soares-to-albany-ethics.pdf](#);  
[7-17-24-transmittal-to-soares.pdf](#)

**TO:** [Spectrum News – Buffalo Region/Jamestown Region](#)  
Stephen Marth, Managing Editor

The duty of the Erie County D.A. is to enforce New York's penal law and obey conflict of interest protocols. That is the subject of the Center for Judicial Accountability's above-attached and here-linked [July 18, 2024 grand jury/public corruption complaint](#) to Erie County Acting D.A. Michael Keane. It involves his \$232,600 D.A. salary, statutorily-tied to the salary of supreme court justices. Of this, \$95,900 is the product of three "false instrument", penal law-violating commission reports that Erie County's 13 state legislators, most running for re-election, are knowledgeable of and complicit in.

[Acting D.A. Michael Keane](#) is himself running for election, on Democratic and Working Families lines, against [D.A. Candidate James Gardner](#), running on Republican and Conservative lines. Below is my July 24<sup>th</sup> e-mail to Candidate Gardner, transmitting the July 18, 2024 grand jury/public corruption complaint to him, and beneath it is my July 18, 2024 e-mail transmitting it to Acting D.A. Keane. Each were asked to respond, by August 1<sup>st</sup> to two simple questions:

- (1) whether they would repudiate the \$95,900 salary difference and advise Erie County to secure a judicial declaration voiding the three "false instrument", penal law-violating commission reports;
- (2) whether they would recuse themselves from the July 18, 2024 grand jury/public corruption complaint pertaining thereto and secure an independent prosecutor.

Neither D.A. candidate responded. Surely, however, they will be more responsive to inquiries from you – and I am cc'ing them on this e-mail so that they can be fully prepared.

What do D.A. Candidates Keane and Gardner have to say about the \$232,600 Erie County D.A. salary – and about Erie County's state legislators whose public corruption is prioritized by the July 18, 2024 grand jury/public corruption complaint (at pp. 2-4). Will they disclose their political, professional, and personal relationships with them – and with the other public officers complained-against and implicated by the grand jury/public corruption complaint, including Erie County residents Governor [Cathy Hochul](#) and (3<sup>rd</sup>) Commission on Legislative, Judicial and Executive Compensation Chair [Eugene Fahey](#).

And can they explain how it is possible that notwithstanding [Erie County has a population of 951,232 and median household income of \\$68,014](#) and [state legislator salaries are \\$142,000, the highest in the nation](#), on top of which, as with D.A. salaries, are many thousands of dollars more in non-salary compensation benefits:

- [Assemblywoman Crystal People's Stokes \(AD141\)](#) is uncontested for re-election and is running on the Democratic line, for which she faced no primaries for that line;
- [Assemblyman Stephen Hawley \(AD139\)](#) is uncontested for re-election and is running on both Republican and Conservative lines for which he faced no primaries for either line;
- [Assemblyman William Conrad \(AD140\)](#) is uncontested for re-election and is running on both Democratic and Working Families lines, for which he faced no primaries for either line;
- [Assemblyman Jonathan Rivera \(AD149\)](#) is uncontested for re-election and is running on both Democratic and Working Families lines for which he faced no primaries for either line;
- [Senator Patrick Gallivan \(SD60\)](#) is running on both Republican and Conservative lines for which he faced no primaries for either line, against [Jacqueline Balikowski](#), running on the Democratic line for which she faced no primaries for that line;
- [Senator Sean Ryan \(SD61\)](#) is running on both Democratic and Working Families lines for which he faced no primaries for either line, against [Christine Czarnik](#), running on both Republican and Conservative lines for which she faced no primaries for either line;
- [Assemblywoman Monica Wallace, Esq. \(AD143\)](#) is running on both Democratic and Working Families lines for which she faced no primaries for either line, against Patrick Chludzinski, running on both Republican and Conservative lines for which he faced no primaries for either line;
- [Assemblyman Patrick Burke \(AD142\)](#) is running on the Democratic line for which he faced no primaries for that line, against [Marc Priore](#), running on both Republican and Conservative lines for which he faced no primaries for either line;
- [Assemblyman Angelo Morinello, Esq. \(AD145\)](#) is running on both Republican and Conservative lines for which he faced no primaries for either line, against [Jeffrey Elder](#), running on both Democratic and Working Families lines for which he faced no primaries for either line;
- [Assemblywoman Karen McMahon, Esq. \(AD146\)](#) is running on both Democratic and Working Families lines for which she faced no primaries for either line, against [Deborah Kilbourn](#), running on both Republican and Conservative lines for which she faced no primaries for either line;

- [Assemblyman David Pietro \(AD147\)](#) is running on both Republican and Conservative lines for which he faced no primaries for either line, against [Darci Cramer](#), running on the Democratic line for which she faced no primaries for that line;
- For the seat vacated by [Senator Tim Kennedy \(SD63\)](#), upon his April 24, 2024 special election as congressman, [April McCants-Baskin](#) is running for election on both Democratic and Working Families lines for which she faced no primaries for either line, and [John Moretti, Jr.](#) is running on both Republican and Conservative lines for which he faced no primaries for either line;
- For the seat held by [retiring Assemblyman Joseph Giglio \(AD148\)](#), [Daniel Brown](#) is running for election on the Democratic line for which he faced no primaries for that line, and [Joe Sempolinski](#) is running on both Republican and Conservative lines for which he faced no primaries for either line;
- For the seat held by [retiring Assemblyman Andy Goodell \(AD150\)](#), [Andrew Molitor](#) is running for election on both Republican and Conservative lines for which he faced no primaries for either line, and [Michael Bobseine](#) is running on both Democratic and Working Families lines for which he faced no primaries for either line;
- Up until August 15<sup>th</sup>, [Assemblyman Michael Norris Esq. \(AD144\)](#) was running for re-election on both Republican and Conservative lines for which he faced no primaries for either line, against [Michelle Roman](#), running on both Democratic and Working Families lines for which she faced no primaries for either line – and now his chief of staff, [Paul Bologna](#), will be running on both Republican and Conservative lines.

And can they explain how it is possible that D.A. Candidate Keane is running on both Democratic and Working Families lines for which he faced no primaries for either line and that D.A. Candidate James Gardner is running on both Republican and Conservative lines for which he faced no primaries for either line.

For that matter, can they explain how it is possible that with supreme court justice salaries being \$232,600, plus thousands of dollars in non-salary compensation benefits – and the candidate pool encompassing the eight counties of the Eighth Judicial District – the Republican and Democratic parties put forward the same four candidates for four supreme court judgeships: incumbent Justices Deborah Chimes, Henry Nowak, and Catherine Nugent Panepinto, plus Assemblyman Michael Norris, the latter being additionally the only candidate the Conservative party put forward.

I look forward to discussing with you the above questions and assisting your investigative journalism about Erie County's D.A. race, 15 state legislative races, and judicial races from supreme court to city court – all involving “false instrument”, penal law-violating salaries for these offices. Meantime, here's [CJA's webpage for the 2024 Erie County D.A. election](#).

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)

914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

---

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Wednesday, July 24, 2024 3:28 PM  
**To:** 'jamesgardner5@gmail.com' <[jamesgardner5@gmail.com](mailto:jamesgardner5@gmail.com)>

**Subject: Winning Your Erie D.A. Race & Demonstrating Your Fitness for the Office: NOTICE & Grand Jury/Public Corruption Complaint**

**TO:** [Would-Be Erie County D.A. James Gardner](#)

This follows the two messages I sent you, via [your D.A. campaign facebook page](#), on July 19<sup>th</sup> and July 21<sup>st</sup>, requesting your e-mail address, without response. Fortunately, I was able to discover an e-mail address for you on the Office of Court Administration webpage of your attorney registration.

I am director and co-founder of the non-partisan, non-profit citizens' organization Center for Judicial Accountability, Inc. (CJA), which, for several decades, has documented the collusion of all three branches of our state government in the subversion and collapse of lawful, constitutional governance. New York's 62 D.A.s, whose duty it is to enforce the state's penal laws, including against law-breaking public officers, are key participants in this.

Only five of this year's 14 D.A. races are uncontested, and, among them, your D.A. race against Erie County Acting D.A. Michael Keane – the hand-picked successor of former Erie County D.A. John Flynn.

Last week, I sent Acting D.A. Keane – and all 61 of New York's other D.A.s and acting D.A.s – the above three attachments by the below July 18<sup>th</sup> e-mail entitled "NOTICE & grand jury/public corruption complaint – Your D.A. salary increases, the judicial salary increases on which they are based, & the violations of NY penal laws by state legislators within your jurisdictions", requesting their answers, by August 1<sup>st</sup>, to two simple questions:

- (1) whether they will be repudiating their state-mandated D.A. salary increases, paid from their county budgets, because they are based on three "false instrument", penal law-violating commission reports raising judicial salaries;
- (2) confirmation that they will be recusing themselves from CJA's July 18, 2024 grand jury/public corruption complaint pertaining thereto and securing an independent prosecutor.

If elected, what would your answers be? Please let me hear from you by August 1<sup>st</sup> so that, based on your answers, Erie county voters may be apprised as to whether a write-in campaign must be launched for suitable D.A. candidates who will abide by their duty of enforcing New York's penal laws, without fear or favor, including by recusing themselves when compromised by self-interest and relationships.

I am available to answer questions, including as to the particulars of my communications with former Erie County D.A. Flynn and his predecessor Acting D.A. Michael Flaherty.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgewatch.org](http://www.judgewatch.org)  
914-421-1200  
[elena@judgewatch.org](mailto:elena@judgewatch.org)

-----

---

**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Thursday, July 18, 2024 8:49 PM  
**To:** 'president@daasny.org' <[president@daasny.org](mailto:president@daasny.org)>; 'mcmahonda@rcda.nyc.gov' <[mcmahonda@rcda.nyc.gov](mailto:mcmahonda@rcda.nyc.gov)>; 'david.soares@albanycountyny.gov' <[david.soares@albanycountyny.gov](mailto:david.soares@albanycountyny.gov)>; 'ian.jones@alleganyco.com' <[ian.jones@alleganyco.com](mailto:ian.jones@alleganyco.com)>; 'clarkda@bronxda.nyc.gov' <[clarkda@bronxda.nyc.gov](mailto:clarkda@bronxda.nyc.gov)>; 'paul.battisti@broomecounty.us' <[paul.battisti@broomecounty.us](mailto:paul.battisti@broomecounty.us)>; 'LPRieman@cattco.org' <[LPRieman@cattco.org](mailto:LPRieman@cattco.org)>; 'bantonacci@cayugacounty.us' <[bantonacci@cayugacounty.us](mailto:bantonacci@cayugacounty.us)>; 'schmidtj@chqgov.com' <[schmidtj@chqgov.com](mailto:schmidtj@chqgov.com)>; 'wwetmore@chemungcountyny.gov' <[wwetmore@chemungcountyny.gov](mailto:wwetmore@chemungcountyny.gov)>; 'mferrarese@co.chenango.ny.us' <[mferrarese@co.chenango.ny.us](mailto:mferrarese@co.chenango.ny.us)>; 'andrew.wylie@clintoncountygov.com' <[andrew.wylie@clintoncountygov.com](mailto:andrew.wylie@clintoncountygov.com)>; 'districtattorney@columbiacountyny.gov' <[districtattorney@columbiacountyny.gov](mailto:districtattorney@columbiacountyny.gov)>; 'pperfetti@cortland-co.org' <[pperfetti@cortland-co.org](mailto:pperfetti@cortland-co.org)>; 'shawn.smith@co.delaware.ny.us' <[shawn.smith@co.delaware.ny.us](mailto:shawn.smith@co.delaware.ny.us)>; 'aparisi@co.dutchessny.gov' <[aparisi@co.dutchessny.gov](mailto:aparisi@co.dutchessny.gov)>; '**Michael.Keane@erie.gov**' <[Michael.Keane@erie.gov](mailto:Michael.Keane@erie.gov)>; 'Kristy.Sprague@essexcountyny.gov' <[Kristy.Sprague@essexcountyny.gov](mailto:Kristy.Sprague@essexcountyny.gov)>; 'elizabeth.crawford@franklincountyny.gov' <[elizabeth.crawford@franklincountyny.gov](mailto:elizabeth.crawford@franklincountyny.gov)>; 'mpoulin@fultoncountyny.gov' <[mpoulin@fultoncountyny.gov](mailto:mpoulin@fultoncountyny.gov)>; 'kevin.finnell@co.genesee.ny.us' <[kevin.finnell@co.genesee.ny.us](mailto:kevin.finnell@co.genesee.ny.us)>; 'jstanzione@discovergreene.com' <[jstanzione@discovergreene.com](mailto:jstanzione@discovergreene.com)>; 'mpurdue@hamiltoncountyny.gov' <[mpurdue@hamiltoncountyny.gov](mailto:mpurdue@hamiltoncountyny.gov)>; 'jcarpenter@herkimercounty.org' <[jcarpenter@herkimercounty.org](mailto:jcarpenter@herkimercounty.org)>; 'krystinam@co.jefferson.ny.us' <[krystinam@co.jefferson.ny.us](mailto:krystinam@co.jefferson.ny.us)>; 'gonzalee@brooklynda.org' <[gonzalee@brooklynda.org](mailto:gonzalee@brooklynda.org)>; 'jefftompkins@lewiscounty.ny.gov' <[jefftompkins@lewiscounty.ny.gov](mailto:jefftompkins@lewiscounty.ny.gov)>; 'GMcCaffrey@co.livingston.ny.us' <[GMcCaffrey@co.livingston.ny.us](mailto:GMcCaffrey@co.livingston.ny.us)>; 'william.gabor@madisoncounty.ny.gov' <[william.gabor@madisoncounty.ny.gov](mailto:william.gabor@madisoncounty.ny.gov)>; 'sdoorley@monroecounty.gov' <[sdoorley@monroecounty.gov](mailto:sdoorley@monroecounty.gov)>; 'ldiamond@da.montgomery.ny.us' <[ldiamond@da.montgomery.ny.us](mailto:ldiamond@da.montgomery.ny.us)>; 'Anne.donnely@nassauda.org' <[Anne.donnely@nassauda.org](mailto:Anne.donnely@nassauda.org)>; 'bragga@dany.nyc.gov' <[bragga@dany.nyc.gov](mailto:bragga@dany.nyc.gov)>; 'brian.seaman@niagaracounty.com' <[brian.seaman@niagaracounty.com](mailto:brian.seaman@niagaracounty.com)>; 'tcarville@ocgov.net' <[tcarville@ocgov.net](mailto:tcarville@ocgov.net)>; 'williamfitzpatrick@ongov.net' <[williamfitzpatrick@ongov.net](mailto:williamfitzpatrick@ongov.net)>; 'james.ritts@ontariocountyny.gov' <[james.ritts@ontariocountyny.gov](mailto:james.ritts@ontariocountyny.gov)>; 'dhoovler@orangecountygov.com' <[dhoovler@orangecountygov.com](mailto:dhoovler@orangecountygov.com)>; 'da@orleansny.com' <[da@orleansny.com](mailto:da@orleansny.com)>; 'anthony.dimartino@oswegocounty.com' <[anthony.dimartino@oswegocounty.com](mailto:anthony.dimartino@oswegocounty.com)>; 'muehlj@otsegocounty.com' <[muehlj@otsegocounty.com](mailto:muehlj@otsegocounty.com)>; 'Robert.Tendy@putnamcountyny.gov' <[Robert.Tendy@putnamcountyny.gov](mailto:Robert.Tendy@putnamcountyny.gov)>; 'katz@queensda.org' <[katz@queensda.org](mailto:katz@queensda.org)>;

'mdonnelly@renesco.com' <[mdonnelly@renesco.com](mailto:mdonnelly@renesco.com)>; 'mcmahonda@rcda.nyc.gov' <[mcmahonda@rcda.nyc.gov](mailto:mcmahonda@rcda.nyc.gov)>; 'WalshT@rocklandda.org' <[WalshT@rocklandda.org](mailto:WalshT@rocklandda.org)>; 'gpasqua@stlawco.org' <[gpasqua@stlawco.org](mailto:gpasqua@stlawco.org)>; 'kheggen@saratogacountyny.gov' <[kheggen@saratogacountyny.gov](mailto:kheggen@saratogacountyny.gov)>; 'Robert.carney@schenectadycounty.com' <[Robert.carney@schenectadycounty.com](mailto:Robert.carney@schenectadycounty.com)>; 'susan.mallery@co.schoharie.ny.us' <[susan.mallery@co.schoharie.ny.us](mailto:susan.mallery@co.schoharie.ny.us)>; 'jfazzary@co.schuyler.ny.us' <[jfazzary@co.schuyler.ny.us](mailto:jfazzary@co.schuyler.ny.us)>; 'jabinabinger@co.seneca.ny.us' <[jabinabinger@co.seneca.ny.us](mailto:jabinabinger@co.seneca.ny.us)>; 'Bbaker@steubencounty.NY.gov' <[Bbaker@steubencounty.NY.gov](mailto:Bbaker@steubencounty.NY.gov)>; 'raymond.tierney@suffolkcountyny.gov' <[raymond.tierney@suffolkcountyny.gov](mailto:raymond.tierney@suffolkcountyny.gov)>; 'brian.conaty@co.sullivan.ny.us' <[brian.conaty@co.sullivan.ny.us](mailto:brian.conaty@co.sullivan.ny.us)>; 'martink@tiogacountyny.gov' <[martink@tiogacountyny.gov](mailto:martink@tiogacountyny.gov)>; 'MVH@tompkins-co.org' <[MVH@tompkins-co.org](mailto:MVH@tompkins-co.org)>; 'enne@co.ulster.ny.us' <[enne@co.ulster.ny.us](mailto:enne@co.ulster.ny.us)>; 'carusonej@warrencountyny.gov' <[carusonej@warrencountyny.gov](mailto:carusonej@warrencountyny.gov)>; 'tjordan@washingtoncountyny.gov' <[tjordan@washingtoncountyny.gov](mailto:tjordan@washingtoncountyny.gov)>; 'ccallanan@co.wayne.ny.us' <[ccallanan@co.wayne.ny.us](mailto:ccallanan@co.wayne.ny.us)>; 'mrocah@westchesterda.net' <[mrocah@westchesterda.net](mailto:mrocah@westchesterda.net)>; 'vhemming@wyomingco.net' <[vhemming@wyomingco.net](mailto:vhemming@wyomingco.net)>; 'tcasella@yatescounty.org' <[tcasella@yatescounty.org](mailto:tcasella@yatescounty.org)>  
Cc: 'morgan.bitton@daasny.org' <[morgan.bitton@daasny.org](mailto:morgan.bitton@daasny.org)>

**Subject: NOTICE & grand jury/public corruption complaint -- Your D.A. salary increases, the judicial salary increases on which they are based, & the violations of NY penal laws by state legislators within your jurisdictions**

**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**

Above-attached are CJA's July 18, 2024 NOTICE & grand jury/public corruption complaint and underlying July 17, 2024 ethics complaint to the Albany County Ethics Commission against Albany County D.A. Soares and its accompanying transmittal letter 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.

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)  
[www.judgwatch.org](http://www.judgwatch.org)  
914-421-1200  
[elena@judgwatch.org](mailto:elena@judgwatch.org)