

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, October 24, 2024 8:38 AM
To: 'Daniel Telvock'

Subject: **Summary of the Issue: "The Erie County D.A. annual salary is \$232,600 – \$95,900 of which is the product of three “false instrument”, penal law-violating commission reports" -- PLUS violation of conflict of interest protocols**

Attachments: [7-18-24-daasny-notice-complaint.pdf](#);

Dear Investigative Producer Telvock,

Thank you for your e-mail. As stated by my below August 8, 2024 e-mail to The Buffalo News:

“The Erie County D.A. annual salary is \$232,600 – \$95,900 of which is the product of three “false instrument”, penal law-violating commission reports. This is the subject of my above-attached fully-documented July 18, 2024 NOTICE/grand jury public corruption complaint that the two Erie County D.A. candidates have had for weeks.”

It is now a full 2-1/2 months later – and D.A. Candidates Keane and Gardner have had the July 18, 2024 NOTICE/grand jury public corruption complaint for three months. What is their response to it? Here’s CJA’s **“Guide for Erie County ‘Local Journalism’”** laying out the story – and its explosive impact not only on the Erie County D.A. race, but on the races for state legislative seats and judicial seats, starting at the Supreme Court.

Call me with your questions, after you review .

Thank you.

Elena Sassower
914-421-1200

From: Daniel Telvock <Daniel.Telvock@wivb.com>
Sent: Thursday, October 24, 2024 8:02 AM
To: elena@judgewatch.org

Subject: Re: YOUR 2024 ELECTION REPORTING: Erie County D.A. Candidates Keane & Gardner -- & Erie County's 13 re-election-seeking state legislative incumbents, etc.

Can you summarize what the issue is?

Dan Telvock
Investigative producer
WIVB-4
Buffalo, NY

On Oct 24, 2024, at 7:56 AM, Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org> wrote:

TO: [WIVB – News Channel 4-Buffalo](#)

Have you reported anything about the 2024 Erie County D.A. race other than what appears to be your most recent article/broadcast, on February 17, 2024, "[Erie County Republicans endorse James Gardner for district attorney](#)", posted under a heading "YOUR LOCAL ELECTION HEADQUARTERS". Below, with the above-attached, is the explosive election story pertaining to the D.A. race that [The Buffalo News](#) has been "sitting on" for the past 2-1/2 months...

I am available to assist you in your investigative reporting – whose starting point is asking Acting Erie County D.A. Keane and Challenger Gardner the "two simple questions" identified by the below July 24, 2024 e-mail and further amplified by the above-attached July 18, 2024 Notice/grand jury/public corruption complaint. Call me, no matter how early or late.

Thank you.

Elena Sassower, Director
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elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Wednesday, October 23, 2024 8:09 PM
To: 'twiley@buffnews.com' <twiley@buffnews.com>; 'editor@buffnews.com' <editor@buffnews.com>; 'mkenny@buffnews.com' <mkenny@buffnews.com>; 'kwalter@buffnews.com' <kwalter@buffnews.com>; 'citydesk@buffnews.com' <citydesk@buffnews.com>; 'bandriatch@buffnews.com' <bandriatch@buffnews.com>; 'plakamp@buffnews.com' <plakamp@buffnews.com>; 'mmcandrew@buffnews.com' <mmcandrew@buffnews.com>; 'cfeind@buffnews.com' <cfeind@buffnews.com>; 'abesecker@buffnews.com' <abesecker@buffnews.com>; 'dherbeck@buffnews.com' <dherbeck@buffnews.com>; 'hmcneil@buffnews.com' <hmcneil@buffnews.com>; 'lmichel@buffnews.com' <lmichel@buffnews.com>; 'stan@buffnews.com' <stan@buffnews.com>; 'jtokasz@buffnews.com' <jtokasz@buffnews.com>; 'rwatson@buffnews.com' <rwatson@buffnews.com>
Cc: 'jsondel@buffnews.com' <jsondel@buffnews.com>; 'charlie.specht@wgrz.com' <charlie.specht@wgrz.com>

Subject: AGAIN -- YOUR 2024 ELECTION REPORTING (& editorial endorsements): Erie

County D.A. Candidates Keane & Gardner -- & Erie County's 13 re-election-seeking state legislative incumbents, etc.

TO: [The Buffalo News](#)

Tom Wiley, Publisher & President
Sheila Rayam, Executive Editor
Margaret Kenny, Managing Editor
Kevin Walter, Editorial Page Editor
Bruce Andriatch, Assistant Managing Editor
Carol Feind, News Editor
Patrick Lakamp, Enterprise Editor
Mike McAndrew, Watchdog Editor
Dan Herbeck, Watchdog
Lou Michel, Watchdog
Jay Tokasz, Watchdog
Aaron Besecker, Crime & Breaking News
Harold McNeil, Crime & Breaking News
Rod Watson, Urban Affairs Editor

Two days ago, you published, as your "EDITOR'S PICK", an article by reporter Justin Sondel entitled "[Race for district attorney may be Western New York's most expensive](#)", focused on the money raised and spent by Democratic Acting D.A. Keane and Republican Challenger Gardner for the Erie County D.A. race. **How is this article of any use to voters in making an informed decision about these two candidates – including by its repetition of their campaign claims, uncritically as to Keane and essentially so as to Gardner.**

When Mr. Sondel was assigned the story that would be the "EDITOR'S PICK", was he apprised of my below August 8th e-mail to you, to which both Keane and Gardner were cc'd? Was he told that the evidence and questions it furnished – if reported – made the candidates' subsequent fund-raising and campaign ads superfluous deceptions because their candidacies were torpedoed by the evidence and questions, exposing them as corrupt and collusive with each other in abetting corruption, starting with the Erie County D.A. salary.

Suffice to note that based on prior [Buffalo News](#) articles, you knew that Keane's direct financial interest in the above July 18, 2024 grand jury/public corruption complaint, upon which my August 8th e-mail to you rests, extended beyond his own D.A. salary to that of his wife, a Supreme Court justice since January 2018 and, since January 2024, an Appellate Division, Fourth Department associate justice ("[Judge from Orchard Park promoted to state Appellate Division](#)" (Jan. 4, 2024/Stephen Watson); "[Keane gets Democratic endorsement for Erie County DA](#)" (Nov. 21, 2023/Charlie Specht); "[Veteran prosecutor Christopher Belling seeking Democratic endorsement for Erie County DA](#)" (Nov. 20, 2023/Charlie Specht).

To enable you to belatedly investigate and report on the story that was your duty to investigate and report 2-1/2 months ago, when I furnished you with my below August 8th e-mail – and then sent you comparable e-mails pertaining to the D.A. races:

1. in [Niagara County \(Aug 13, 2024\)](#),
2. in [Chautauqua County \(Aug. 14, 2024\)](#),
3. in [Orleans County \(Aug 14, 2024\)](#), and
4. in [Wyoming County \(August 14, 2024\)](#) –

all without response from you – here’s CJA’s “[Guide for Erie County ‘Local Journalism’](#)” entitled “INFORMING THE VOTERS: Erie County D.A. Candidates Keane & Gardner, its 15 State Legislators, Four Uncontested for Re-Election, & its Four Uncontested Supreme Court Judgeships”. Is there anything there that you deny, dispute, or deem not essential to being reported or germane to such candidate endorsements as you may be making?

I am available to answer questions – and to assist you in discharging your First Amendment responsibilities to the voters of Erie County – and of neighboring Niagara, Chautauqua, Orleans, and Wyoming Counties.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, August 8, 2024 9:20 AM
To: 'twiley@buffnews.com' <twiley@buffnews.com>; 'editor@buffnews.com' <editor@buffnews.com>; 'mkenny@buffnews.com' <mkenny@buffnews.com>; 'kwalter@buffnews.com' <kwalter@buffnews.com>; 'citydesk@buffnews.com' <citydesk@buffnews.com>; 'bandriatch@buffnews.com' <bandriatch@buffnews.com>; 'plakamp@buffnews.com' <plakamp@buffnews.com>; 'mmcandrew@buffnews.com' <mmcandrew@buffnews.com>; 'cfeind@buffnews.com' <cfeind@buffnews.com>; 'abesecker@buffnews.com' <abesecker@buffnews.com>; 'dherbeck@buffnews.com' <dherbeck@buffnews.com>; 'hmcneil@buffnews.com' <hmcneil@buffnews.com>; 'lmichel@buffnews.com' <lmichel@buffnews.com>; 'cspecht@buffnews.com' <cspecht@buffnews.com>; 'stan@buffnews.com' <stan@buffnews.com>; 'jtokasz@buffnews.com' <jtokasz@buffnews.com>; 'rwatson@buffnews.com' <rwatson@buffnews.com>
Cc: 'Michael.Keane@erie.gov' <Michael.Keane@erie.gov>; 'info@mikekeaneforda.com' <info@mikekeaneforda.com>; 'info@gardnerforda.com' <info@gardnerforda.com>; 'jamesgardner5@gmail.com' <jamesgardner5@gmail.com>

Subject: YOUR 2024 ELECTION REPORTING: Erie County D.A. Candidates Keane & Gardner -- & Erie County's 13 re-election-seeking state legislative incumbents, etc.

TO: [The Buffalo News](#)

The Erie County D.A. annual salary is \$232,600 – \$95,900 of which is the product of three “false instrument”, penal law-violating commission reports. This is the subject of my above-attached fully-documented July 18, 2024 NOTICE/grand jury public corruption complaint that the two Erie County D.A. candidates have had for weeks.

Below is my July 24th transmitting e-mail to [D.A. Candidate James Gardner](#), running on the Republican and Conservative lines, and, beneath it, my July 18th transmitting e-mail to [Acting D.A. Michael Keane](#), running on the Democratic and Working Families lines, requesting their responses by August 1st. I have received none.

As D.A. Candidates Keane and Gardner would presumably be more responsive to [The Buffalo News](#), I am cc'ing them so that no time is wasted. What do they have to say about the \$232,600 Erie County D.A. salary – and about the 13 Erie County state legislators running for re-election whose public corruption is prioritized by the July 18, 2024 NOTICE/grand jury complaint (at p. 2) and with whom and such others as Erie County residents Governor [Kathy Hochul](#) and (3rd) Commission on Legislative, Judicial and Executive Compensation Chair [Eugene Fahey](#), they have political, professional and personal relationships?

Please call me so that we can discuss the information that Erie County voters must have if they are to cast informed votes in [the D.A. race and in ALL 15 state legislative races on the Erie County ballots](#) – and that's for starters.

Thank you.

Elena Sassower, Director
Center for Judicial Accountability, Inc. (CJA)
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Wednesday, July 24, 2024 3:28 PM

To: 'jamesgardner5@gmail.com' <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 19th and July 21st, 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 18th 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 1st, 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 1st 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
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, July 18, 2024 8:49 PM
To: 'president@daasny.org' <president@daasny.org>; 'mcmahonda@rcda.nyc.gov' <mcmahonda@rcda.nyc.gov>; 'david.soares@albanycountyny.gov' <david.soares@albanycountyny.gov>; 'ian.jones@alleganyco.com' <ian.jones@alleganyco.com>; 'clarkda@bronxda.nyc.gov' <clarkda@bronxda.nyc.gov>; 'paul.battisti@broomecounty.us' <paul.battisti@broomecounty.us>; 'LPRieman@cattco.org' <LPRieman@cattco.org>; 'bantonacci@cayugacounty.us' <bantonacci@cayugacounty.us>; 'schmidtj@chqgov.com' <schmidtj@chqgov.com>; 'wwetmore@chemungcountyny.gov' <wwetmore@chemungcountyny.gov>; 'mferrarese@co.chenango.ny.us' <mferrarese@co.chenango.ny.us>; 'andrew.wylie@clintoncountygov.com' <andrew.wylie@clintoncountygov.com>; 'districtattorney@columbiacountyny.gov' <districtattorney@columbiacountyny.gov>; 'pperfetti@cortland-co.org' <pperfetti@cortland-co.org>; 'shawn.smith@co.delaware.ny.us' <shawn.smith@co.delaware.ny.us>; 'aparisi@co.dutchessny.gov' <aparisi@co.dutchessny.gov>; **'Michael.Keane@erie.gov' <Michael.Keane@erie.gov>**; 'Kristy.Sprague@essexcountyny.gov' <Kristy.Sprague@essexcountyny.gov>; 'elizabeth.crawford@franklincountyny.gov' <elizabeth.crawford@franklincountyny.gov>; 'mpoulin@fultoncountyny.gov' <mpoulin@fultoncountyny.gov>; 'kevin.finnell@co.genesee.ny.us' <kevin.finnell@co.genesee.ny.us>; 'jstanzione@discovergreene.com' <jstanzione@discovergreene.com>; 'mpurdue@hamiltoncountyny.gov' <mpurdue@hamiltoncountyny.gov>; 'jcarpenter@herkimercounty.org' <jcarpenter@herkimercounty.org>; 'krystinam@co.jefferson.ny.us' <krystinam@co.jefferson.ny.us>; 'gonzalee@brooklynda.org' <gonzalee@brooklynda.org>; 'jefftompkins@lewiscounty.ny.gov' <jefftompkins@lewiscounty.ny.gov>; 'GMcCaffrey@co.livingston.ny.us' <GMcCaffrey@co.livingston.ny.us>; 'william.gabor@madisoncounty.ny.gov' <william.gabor@madisoncounty.ny.gov>; 'sdoorley@monroecounty.gov' <sdoorley@monroecounty.gov>; 'ldiamond@da.montgomery.ny.us' <ldiamond@da.montgomery.ny.us>; 'Anne.donnelly@nassaуда.org' <Anne.donnelly@nassaуда.org>; 'bragga@dany.nyc.gov' <bragga@dany.nyc.gov>; 'brian.seaman@niagaracounty.com' <brian.seaman@niagaracounty.com>; 'tcarville@ocgov.net' <tcarville@ocgov.net>; 'williamfitzpatrick@ongov.net' <williamfitzpatrick@ongov.net>; 'james.ritts@ontariocountyny.gov' <james.ritts@ontariocountyny.gov>; 'dhoovler@orangecountygov.com' <dhoovler@orangecountygov.com>; 'da@orleansny.com' <da@orleansny.com>; 'anthony.dimartino@oswegocounty.com' <anthony.dimartino@oswegocounty.com>; 'muehlj@otsegocounty.com' <muehlj@otsegocounty.com>; 'Robert.Tendy@putnamcountyny.gov' <Robert.Tendy@putnamcountyny.gov>; 'katz@queensda.org' <katz@queensda.org>; 'mdonnelly@renesco.com' <mdonnelly@renesco.com>; 'mcmahonda@rcda.nyc.gov' <mcmahonda@rcda.nyc.gov>; 'WalshT@rocklandda.org' <WalshT@rocklandda.org>; 'gpasqua@stlawco.org' <gpasqua@stlawco.org>; 'kheggen@saratogacountyny.gov' <kheggen@saratogacountyny.gov>; 'Robert.carney@schenectadycounty.com' <Robert.carney@schenectadycounty.com>; 'susan.mallery@co.schoharie.ny.us'

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Cc: 'morgan.bitton@daasny.org' <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
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