

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

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GEORGE SASSOWER,

Petitioner-Appellee,

-against-

#86-2458

THE SHERIFF OF WESTCHESTER COUNTY,

Respondent,

-and-

LEE FELTMAN, Esq., as Receiver for
Puccini Clothes, Ltd. and ROBERT ABRAMS,
ATTORNEY GENERAL of the STATE OF NEW YORK,
Intervenors-Appellants.

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1. This affirmation is made in support of a motion to dismiss the appeals of the appellants, and/or affirm Sassower v. Sheriff (651 F. Supp. 128 [SDNY]), with such punitive and compensatory measures as may be warranted by reason their fraud and misconduct herein.

2a. The underlying proceeding was for non-summary "criminal contempt", a remedy which is supposed to "vindicate judicial authority".

b. Instead, this and other proceedings, contempt and otherwise, state and federal, were instituted and maintained to employ the judicial process to perpetrate a criminal fraud, including the criminal evasion of the revenue laws of the United States.

Exhibit "A"

3a. Annexed hereto is a legal notice that appeared in the New York Times (Exhibit "A") and New York Law Journal (Exhibit "B"), which states in substance that a "final accounting" will be rendered for Puccini Clothes, Ltd. ["Puccini"] before Referee Donald Diamond on October 30, 1986.

b. The Attorney General, Hon. Robert Abrams, Puccini's statutory fiduciary, consented to such sham "final accounting" for his helpless judicial trust.

c. This sham "final accounting" rendered to conceal the massive larceny of Puccini's judicial trust assets, held under color of law, consists of one (1) single page for the receipt of monies (Exhibit "C-1"), and five (5) pages of disbursements (Exhibit "C-2"), and is simply not an accounting, final or otherwise.

d. There is no balance sheet which would have to include such items as inventory, accounts receivables, and other assets, as of June 4, 1980, the date that Puccini was involuntarily dissolved.

4a. Lee Feltman ["Feltman"] and his law firm, Feltman, Karesh, Major & Farbman, Esqs. ["FKM&F"], the self-styled public prosecutors (see Young v. U.S. ex rel. Vuitton, 55 USLW 4676), their co-conspirators, Kreindler & Relkin, P.C. ["K&R"], and its clients, including Citibank, N.A. ["Citibank"], have been and are engaged in judicial and official corruption, in addition to other criminal activities.

b. The New York State Attorney General, the highest legal prosecutorial authority in this state, and his office, moved, ex parte, to intervene in this matter, not to defend any statutory provisions, as it falsely asserted, but to advance this barbaric criminal adventure, which has cost your affirmant his thirty-seven (37) year old license to practice law.

5a. Your affirmant, notwithstanding any false and perjurious affidavit of service, did not receive any copy of the papers, which were to be settled in the "non-public courtroom of Referee Donald Diamond", a courtroom wherein affirmant is specifically excluded, but obtained Exhibits "C-1" and "C-2" from other sources.

b. This fraud which FKM&F, K&R, the Attorney General, and others attempted to perpetrate, in cooperation with Referee Donald Diamond, was halted by your affirmant when he filed his petition to be adjudicated a bankrupt.

That bankruptcy petition was the result of the economic in terrorem actions of these criminal co-conspirators, who obviously were hung by their own petards.

6a. Assuming, arguendo, there was some constitutional or jurisdictional validity to such trial-less criminal conviction, an assertion which even the appellants have abandoned, where as here, the accusation and prosecution was motivated to advance a criminal scheme, such conviction cannot be permitted to stand (Brady v. Maryland, 373 U.S. 83; Giglio v. United States, 405 U.S. 150).

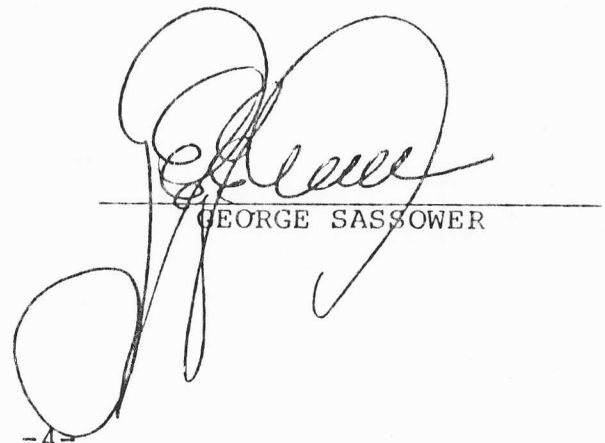
b. Consequently, the appeal must be dismissed and/or affirmed, as a matter of law.

7. There can be no civilized system of justice, when firms such as FKM&F and K&R are able to "fix" and "corrupt" judges, courts, and high public officials, to the point where their adversaries are repeatedly convicted and incarcerated, without benefit of a trial, and those practices are blithely accepted as "the coins of the judicial realm".

8. The aforementioned is stated under penalty of perjury.

WHEREFORE, this motion should be granted in all respects, with costs.

Dated: June 17, 1987



GEORGE SASSOWER



The New York Times

229 WEST 43 STREET, NEW YORK, N.Y. 10036

CERTIFICATION OF PUBLICATION

OCTOBER 1 1986

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK

In the Matter of the Application of Jerome H. Barr and Gilbert, N.A., as Executors of the Will of Milton Kaufman, Holders of One Quarter of All Outstanding Shares of Puccini Clothes, Ltd., Entitled to Vote in an Election of Directors For the Dissolution of Puccini Clothes, Ltd.

Index No. 01818/80 NOTICE OF INTENT BY RECEIVER TO FILE ACCOUNTS FOR FINAL SETTLEMENT

ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD., ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS.

NOTICE is hereby given by the undersigned as Receiver of Puccini Clothes, Ltd. that an account of his proceedings as Receiver of above named corporation, under oath, will be presented to the Supreme Court of New York, County of New York before the Honorable Don D. ...

September 10, 1986

LFE FELLMAN, FSO, as Receiver for Puccini Clothes, Ltd.

I, ELAINE MOORE, in my capacity as a Principal of the Publisher of The New York Times a daily newspaper of general circulation printed and published in the City, County and State of New York, hereby certify that the advertisement annexed hereto was published in the editions of The New York Times on the following date or dates to wit on

September 22 1986 Elaine Moore

Approved:

Shelley Polshock

Exhibit "A"

STATE OF NEW YORK,

County of New York.

ss:

SUPREME COURT OF THE STATE OF NEW YORK - COUNTY OF NEW YORK - Index No. 01014 80 - NOTICE OF INTENTION BY RECEIVER TO FILE ACCOUNTS FOR FINAL SETTLEMENT. In the Matter of the Application of Jerome H Barr and Citibank, N.A., as Executors of the Will of Milton Kaufman, Holders of One Quarter of All Outstanding Shares of Puccini Clothes, Ltd. Entitled to Vote in an Election of Directors For the Dissolution of Puccini Clothes, Ltd. and ALL OTHER ACTIONS AND PROCEEDINGS IN ANY COURT CONCERNING OR RELATING TO PUCCINI CLOTHES, LTD. ITS RECEIVER OR SHAREHOLDERS OR THEIR ATTORNEYS

NOTICE is hereby given by the undersigned as Receiver of Puccini Clothes, Ltd. that an account of his proceedings as Receiver of the above named corporation under oath will be presented to the Supreme Court of the State of New York, County of New York, before the Honorable Donald Diamond, Special Referee, at Room 538 of the Courthouse, 40 Centre Street, New York, New York, on October 30, 1986 at 10:00 o'clock in the forenoon of that day or as soon thereafter as counsel can be heard, and an application will then and there be made returnable that the same be allowed and be decreed to be final and conclusive upon all persons including those indebted to said corporation, all persons having in their possession any property of said corporation, all persons with whom said corporation has unfulfilled contracts and upon all creditors, claimants and shareholders of the corporation, and that said Receiver be authorized to make a final distribution and upon the payment thereof, that he be discharged and his bond vacated, and for such other, further and or different relief as to the Court may seem just and proper. Dated New York, New York September 10, 1986.

LEE FULFMAN, ESQ. as Receiver for Puccini Clothes, Ltd. s17 W 824

Nicholas Di Tommaso being duly sworn, says that he is the PRINCIPAL CLERK of the Publisher of THE NEW YORK LAW JOURNAL, a Daily Newspaper printed and published in the County of New York; that the Advertisement hereto annexed has been regularly published in the said THE NEW YORK LAW JOURNAL once in each of two successive weeks commencing on the 17th day of September 19 86

SWORN TO BEFORE ME, this 24th day of September, 19 86

Douglas P. Rucchelli Notary Public, State of New York // NY 482818 Qualified in Nassau County Commission Expires Dec. 31, 1988

Exhibit "B"

<u>Date</u>	<u>Amount</u>
March 1982	\$502,065.03 (amount initially received from Puccini bank account)
July 1982	\$31,836.06 (sale of securities)
October 1983	\$1,694.00 (tax refund)
May 1984	\$1,663.93 (tax refund)
June 1984	\$3,800.00 (amount recovered from the escrow account of the attorneys for shareholders Eugene Dann and Robert Sorrentino)
July 1985	\$5,742.25 (payment from Hyman Raffe to satisfy Federal Court judgment (Judge Nickerson))
July 1985	\$744.89 (payment from Westchester County Sheriff on execution regarding Federal Court judgment against George Sassower (Judge Nickerson))
August 1985	\$4,870.48 (payment from Kings County Sheriff on execution regarding Federal Court judgment against George Sassower (Judge Nickerson))
November 1985	\$11,500.00 (payment from Hyman Raffe in compliance with three orders of Supreme Court (Judge Nickerson))
January 1986	\$400.00 (non-interest loan from Feltman, Karesh, Major & Farbman)
April 1986	\$2,811.00 (partial payment of award against Sassower)
From inception through October 2, 1986	\$189,030.97 (interest on Puccini's account)

Exhib. V "0-1"

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Purpose of Payment</u>
5/9/83	\$ 5,000.00	Robert Blaikie & Co.	Premium for Receiver's Bond for two-year period.
5/9/83	90.00	Fischer's Service Bureau.	Testimony of process server in connection with traverse hearing in dissolution pro- ceeding (New York Supreme Court Index No. 01816/80) on issue of service of order to show cause on George Sassower.
5/9/83	2,103.63	Fox Advertising and Court Service	Preparation and publi- cation in newspapers of statutorily required notices concerning re- ceivership and Puccini.
5/9/83	380.10	Attorneys Press, Inc.	Printing and service of Appellate Briefs.
6/28/83	3,062.00	Attorneys Press, Inc.	Printing and service of Record on Appeal and Appellate Briefs.
9/6/83	189.40	Attorneys Press, Inc.	Printing and service of Appellate Brief.
9/6/83	3,554.00	Rashba & Pokart	Court-appointed accountant's fee.
10/25/83	60.00	Fischer's Service Bureau	Process server
10/25/83	313.96	New York State Tax Department	Tax Payment
12/9/83	434.28	New York State Tax Department	Tax Payment
12/9/83	379.59	New York State Tax Department	Tax Payment
12/30/83	158.64	New York City Tax Collector	Tax Payment

Exh. b. V "C-2"

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Purpose of Payment</u>
1/15/84	372.60	New York City Tax Collector	Tax Payment
2/10/84	56.35	Rayvid Reporting	Court Reporting
2/13/84	60.00	Urban Court Reporting	Court Reporting
2/25/84	2,500.00	Robert Blaikie & Co.	Premium for Receiver's Bond
6/14/84	262.50	Ann Weingold	Court Reporting
7/5/84	109,258.93	Feltman, Karesh & Major	Attorneys' fees and reimbursement of expenses paid pursuant to court Order
8/10/84	605.00	Ann Weingold	Court Reporting
8/16/84	203.06	Attorney's Press, Inc.	Printing and service of Appellate Brief
9/12/84	4,202.72	Feltman, Karesh & Major	Interest on attor- neys' fee award pursuant to a separate court order
9/17/84	8,724.35	Rashba & Pokart	Accountants' Fees
12/21/84	128.00	Frederic Cantor	Court Reporting
12/26/84	348.00	Ann Weingold	Court Reporting
12/26/84	334.23	Attorney's Press, Inc.	Printing and service of Appellate Brief
12/27/84	85.00	Ann Weingold	Court Reporting
1/2/85	336.00	Peter Kaufman	Transcript
2/1/85	2,500.00	Robert Blaikie & Co.	Premium for Receiver's Bond

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Purpose of Payment</u>
4/3/85	140,585.41	Feltman, Karesh & Major	Attorney's fees and reimbursement of expenses paid pur- suant to court Order
4/3/85	311.94	Feltman, Karesh & Major	Interest on legal fees payment paid pursuant to court Order
4/3/85	335.00	New York State Corporate Tax Department	Tax Payment
4/15/85	250.00	New York State Corporate Tax Department	Tax Payment
4/15/85	229.00	City Tax Collector	Tax Payment
4/15/85	139.00	City Tax Collector	Tax Payment
5/25/85	1,815.00	Rashba & Pokart	Accountants' Fee
5/25/85	60.00	Urban Court Reporter	Court Reporting
6/15/85	150.00	Irving Levine	Court Reporting
6/17/85	125.00	New York State Corporate Tax Department	Tax Payment
6/17/85	75.00	New York State Corporate Tax Department	Tax Payment
6/18/85	21.00	New York State Corporate Tax Department	Tax Payment
6/24/85	2,126.60	New York Law Journal	Legal Notice

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Purpose of Payment</u>
7/22/85	366.00	H.R. Lubin	Court Reporting
7/31/85	80.85	Southern District Reporter	Court Reporting
9/5/85	1,454.23	Attorneys Press, Inc.	Printing and service of Appellate Record and Brief
9/20/85	222.00	Ann Weingold	Court Reporting
10/31/85	360.00	Ann Weingold	Court Reporting
11/13/85	145.00	Ann Weingold	Court Reporting
11/25/85	303,580.01	Feltman, Karesh, Major & Farbman	Attorneys' fees and reimbursement of expenses paid pursuant to court Order
1/29/86	5,695.00	Sheriff of the City of New York	Settlement of lawsuit
2/26/86	400.00	Feltman, Karesh, Major & Farbman	Repayment of loan
2/26/86	443.00	Ann Weingold	Court Reporting
3/20/86	2,553.54	Attorney's Press, Inc.	Printing and service of Appellate Brief and Record
4/9/86	1,889.90	Attorney's Press, Inc.	Printing and service of Appellate Brief and Record
5/20/86	449.62	Attorney's Press, Inc.	Printing and service of Appellate Brief
6/13/86	22.00	New York State Corporate Tax Department	Tax Payment
6/13/86	59.00	New York State Corporate Tax Department	Tax Payment

<u>Date</u>	<u>Amount</u>	<u>Payee</u>	<u>Purpose of Payment</u>
6/13/86	62.00	New York State Corporate Tax Department	Tax Payment
6/13/86	125.00	City Tax Collector	Tax Payment
6/13/86	125.00	New York State Corporate Tax Department	Tax Payment
6/24/86	20.00	Marlene Maltese	Court Reporting
7/30/86	35.00	Sheriff Bronx County	Fee relative to Warrant of Commitment
9/5/86	788.61	Attorneys Press, Inc.	Printing and service of Appellate Brief
9/9/86	1,950.00	Rashba & Pokart	Accountant's fees
9/15/86	122,500.00	Feltman, Karesh, Major & Farbman	Legal fees pursuant to "So Ordered" Stipulation