Petition for Review by the
Second Circuit Judicial Council
Concerning the Misconduct of
U.S. Circuit Court Judge JAMES L. OAKES
[Docket No. 93-8529]
and
U.S. District Court Judge CHARLES L. BRIEANT
[Docket No. 93-8528]

1. In my relevant 28 U.S.C. §372[c] complaint against Chief U.S. Circuit Court Judge JON O. NEWMAN ["Newman"], dated this day (Exhibit "A"), which is incorporated herein by reference, and who adjudicated the within matters, the opening paragraph reads as follows:

> "This is a 28 U.S.C. §372[c] complaint which charges Chief U.S. Circuit Court Judge JON O. NEWMAN ['Newman'] of the Second Circuit, with attempting to deceive and corrupt Chief U.S. Circuit Court Judge STEVEN G. BREYER ['Breyer'] and his, *inter alia*, First Judicial Circuit courts, directly and/or through his judicial cronies, who include KREINDLER & RELKIN, P.C. ['K&R'], FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ['FKM&F'] -- 'the criminals with law degrees' -- and their co-conspirators."

2a. In a personal capacity action against the JAMES L. OAKES ["Oakes"] and CHARLES L. BRIEANT ["Brieant"], and so described in a well-pleaded complaint in the state court (Sassower v. Abrams, Sup. West. Index No. 92-17051), where federal governmental liability was expressly and emphatically disclaimed, Oakes and Brieant, dragooned the representation of the U.S. Attorney, when they knew the United States Attorney could only represent the United States or its legitimate interests, and that the U.S. Attorney does not represent persons, *qua* individuals or personal capacity actions (18 U.S.C. §547).

b. Indeed, if the complaint was in the official capacity of Oakes and/or Brieant, there would not have been jurisdiction in either the state or federal courts, inter alia, for failure to file a Notice of Claim (28 U.S.C. §2675).

c. In short -- Oakes and Brieant, at all times knew, that they were being represented, *qua* individuals, by the United States Attorney, when the U.S. Attorney had no such authority.

3a. The usurped federal representation, by Oakes and Brieant, was at the cost and expense of the federal government, and was, in addition to being unauthorized, a financial and criminal fraud upon the federal purse, which they also actually knew.

b. The American taxpaying public can easily

comprehend, and should be informed, that Oakes and Brieant, were being defended for personal activities, at federal cost and expense, and thus financially defrauding, the federal government -- a crime wherein they and/or the federal bench, routinely incarcerates others.

4a. Since there was no complete diversity of citizenship in the state court, federal jurisdiction could only be based upon a federal question, and none was ever asserted in the state filed complaint, in the Assistant U.S. Attorney's Petition for Removal, or anywhere else.

b. In the U.S. District Court for the District of Massachusetts (Sassower v. Fidelity & Deposit, Docket No. 93-11335), with notice to everyone even remotely involved, including Chief Judge Newman, on October 4, 1993, I served a Preliminary Injunction, unopposed by anyone which, after setting forth the essential facts, provided:

> "ORDERED that in the absence of any showing that the representation of the federal judges and officials in the above matters which were removed from the state to the federal court, was lawful and authorized (28 U.S.C. §547), such unauthorized representation is not afforded any full faith or credit in this Court; and it is further
>
> ORDERED that in the absence of any showing that a federal defense was alleged and/or shown in the aforementioned action, such determination by U.S. District Court Judge PETER K. LEISURE appears to be jurisdictionally infirm, not entitled to any respect in this Court, and it is further
>
> ORDERED that the defendants, WEST PUBLISHING COMPANY and MEAD DATA CENTRAL, INC., are enjoined and restrained from publishing and distributing the aforementioned opinion of U.S. District Court Judge PETER K. LEISURE, without clearly setting forth that such determination is a jurisdictional nullity, entitled to no legal respect."

c. In my motion at the Second Circuit Court of Appeals, also dated October 4, 1993 (Sassower v. Abrams, Docket No. 93-   ), there also was no opposition to my motion declaring that the aforementioned removed action was jurisdictionally infirm and void.

d. While many of the aforementioned events arose after the filing of my complaints and the adjudication by Chief Judge Newman, they are helpful and/or essential to an understanding of what follows.

5. The complaint against Judge Oakes reads as follows:

"This is a complaint against Circuit Court Judge JAMES L. OAKES [`Oakes'], is based upon his FRCivP 36 admissions in Sassower v. Abrams (SDNY 92-08515[PKL]) of November 27, 1992, almost all of which have independent confirmation [emphasis supplied] ...

> "1. With your consent, U.S. Attorney OTTO G. OBERMAIER ["Obermaier"] represents you, a named defendant, in this action, although no 28 U.S.C. 2679 `scope' certificate has been applied for and/or issued.
>
> 2. Although you are being sued in a personal capacity, you have not compensated or reimbursed, nor do you expect to compensate or reimburse, either U.S. Attorney Obermaier or the federal government for this legal representation or the expenses incurred thereby.
>
> 3. You were Chief Judge of the U.S. Circuit Court of Appeals for the Second Circuit until this past summer.
>
> 4. You are aware that in Raffe v. Citibank (84 Civ. 0305 [EHN]), GS ["Sassower"] and HYMAN RAFFE [`Raffe'] were convicted of non-summary criminal contempt without a trial, without the opportunity of a trial, without any right of confrontation, and without any live testimony in support of such U.S. District Court Judge EUGENE H. NICKERSON [`Nickerson'] convictions.
>
> 5. You are aware that the `fine' monies under such Judge Nickerson trialess, without live testimony, convictions were payable `to the [federal] court'.
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> 6. After the GS trialess Judge Nickerson conviction was elevated to the status of a `serious' crime and he was disbarred, GS filed a disciplinary complaint which you adjudicated (Docket No. 87-8503).

7. From such disciplinary complaint against, inter alia, Judge Nickerson, you were aware of some of the essential and decisive constitutional and/or jurisdictional infirmities of such conviction.

8. You never entertained any doubts since you became a federal judge that a conviction for non-summary criminal contempt, without a trial, without the opportunity for a trial, without any confrontation rights, and without any live testimony in support thereof, was void.

9. You never entertained any doubt that the Judge Nickerson trialess convictions were a constitutional and/or jurisdictional nullity.

10. Nevertheless, as a Circuit Judge, and thereafter as Chief Judge, you permitted such criminal trialess convictions to remain extant, even when such conviction was elevated to the status of a 'serious' crime and became the pre-text for disbarring GS.

11. You have permitted such trialess convictions to remain extant, although you knew that it was causing GS to be denied his basic constitutional rights, including his right to access to the courts for relief in the Second and other circuits.

12. You are and have been aware that the monies payable 'to the [federal] court' were diverted to KREINDLER & RELKIN, P.C. ['K&R'], CITIBANK, N.A. ['Citibank'] and/or JEROME H. BARR, Esq. ['Barr'], but you have done nothing to remedy such matter.

13. You have been and are aware that the decision of U.S. District Judge WILLIAM C. CONNER ['Conner'] in <u>Raffe v. Doe</u> (619 F. Supp. 891 [SDNY-1985]) was the result of fraud and corruption, whose object was to conceal the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ['Puccini'] and other criminal activities.

14. Such corruptly secured

decision and Order you, as Chief Judge, have permitted to be employed and unremedied in order to advance a criminal racketeering adventure involving K&R, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ['FKM&F'] and members of the judiciary. ...

17. There pends in the Circuit Court a number of disciplinary complaints against K&R, FKM&F, members of their firms and co-conspirators, all mandating disciplinary action. However you have wilfully refused to process these complaints.

18. You conspired with Circuit Court Judge GEORGE C. PRATT ['Pratt'], in the decision of Sassower v. Sheriff (824 F.2d 184 [2d Cir.-1987]), aware that it was factually contrived, concocted, and fabricated, and whose purpose, in reversing, was to advance a criminal racket involving the larceny of judicial trust assets and other criminal activities, including the extortion of substantial monies.

19. Although you are aware that Sassower v. Sheriff (supra) is a manifest constitutional and/or jurisdictional nullity, you have allowed such decision, as well as Raffe v. Doe (supra), to remain in effect in order to aid in the corruption of courts throughout the United States.

20. You participated in the fraudulent disposition in Cohen and Vilella v. Littman et al. (CCA2nd Docket No. 89-7049), knowing it was a fraudulent disposition, resulting in the continued incarceration of Dennis F. Vilella ['Vilella'] for crimes that were never committed and the unlawful plundering of the Estate of Eugene Paul Kelly.

21. Sued in individual capacity in tort litigation, you have defrauded the federal government by dragooning federal attorneys to represent you and members of the Second Circuit, at federal cost and expense, without obtaining a 28 U.S.C. 2679[d] 'scope certificate'.

22. You have 'fixed' and 'corrupted' federal judges in other circuits,

in order to advance your own criminal racketeering activities."

6a. Absent unusual circumstances, neither I nor any competent attorney, serves admissions, which are not independently supported, making any denials a dangerous gesture.

b. Thus I stated in my 372 complaint, I stated that the matters sought to be admitted "almost all of which have independent confirmation", a statement which Chief Judge Newman ignored.

7. Nevertheless, the assertion of a "stay" cannot be supported, even if such matter were decisive of my 372 complaints.

With respect to my Notice to Admit, dated November 27, 1992, the U.S. Attorney wrote the Court as follows:

a. On December 3, 1992:

> "I also respectfully request that the due date for responses to plaintiff's request for admissions be adjourned until January 4, 1993."

b. On December 16, 1992, the U.S. Attorney, wrote the Court:

> "By letter dated December 3, 1992, the federal defendants requested ... The federal defendants also requested an adjournment until January 4, 1993 to respond to plaintiff's request for admissions. On December 4, 1992, the Court granted the federal defendant's request for extensions of time."

c. No further extension of time to respond to the admission demand was requested by the U.S. Attorney on by his letter of December 31, 1992.

d. By letter of the U.S. Attorney, dated March 17, 1993, the U.S. Attorney wrote the court:

> "I am writing to respectfully request a two-day extension of defendants' time to move or answer in the above-referenced consolidated cases to March 19, 1993."

e. Thus, on January 5, 1993, my requests for admissions, were deemed admitted by Oakes, the contrived statements of Chief Judge Newman to the contrary notwithstanding.

8. Part "B" of my §372 complaint concerning Judge Oakes, reads, in heac verba, as follows:

> "In Raffe v. Citibank (supra), which Judge Oakes admits is void, petitioner and HYMAN RAFFE ['Raffe'] were both convicted of non-summary criminal contempt without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver.
>
> Judge Oakes clearly lied in his decision of April 16, 1987, when he concluded:
>
> > 'Complainant's charge ... [of] a corrupt usurpation of power, and other unspecified impeachable offenses are likewise not substantiated.'
>
> Every Article III federal judge knows that Congress has deprived every federal judge and federal court of the power to convict anyone of non-summary criminal contempt, absent a plea of guilty, without a trial or without the opportunity of a trial (Nye v. U.S., 313 U.S. 33 [1941]).
>
> This patent usurpation of power was then made more illegal and egregious by thereafter elevating such conviction was an 'offense' to a 'serious' crime, thus causing petitioner's disbarment.
>
> At the time of this complaint, petitioner also did not know that the fine monies imposed, including those paid on behalf of petitioner, which should have been paid 'to the [federal] court' were diverted to the pockets of K&R and its clients.
>
> Nor was petitioner aware that Raffe was compelled to pay extortion monies, which Raffe admitted in Sassower v. Abrams (supra) now 'exceeds $2,000,000'.
>
> A reference to the Grand Jury and for the initiation of Impeachment proceedings is manifestly warranted."

9a. A substantially similar, if not a more compelling, analysis can be made of the complaint against Judge Brieant which, without the exhibits, reads as follows:

> " 1. This is a complaint against District Court Judge CHARLES L. BRIEANT [`Brieant'], is based upon his FRCivP 36 admissions in Sassower v. Abrams (SDNY 92-08515[PKL]) of November 27, 1992 (Exhibit `A'); the 3g Statement in Sassower v. McFadden (93-0342 [PKL]) of February 1, 1993 (Exhibit `B'), and the FRCivP 36 admissions in Sassower v. Abrams (supra) of February 8, 1993 (Exhibit `C'), almost all of which have independent confirmation.
>
> 2. By `paying-off' the `syndicate' of Brieant and Presiding Justice FRANCIS T. MURPHY [`Murphy'], they, their bag-men, and cronies were able to take all of the judicial trust assets of PUCCINI CLOTHES, LTD. [`Puccini'], divert monies payable `to the federal court' to their pockets, and extort from HYMAN RAFFE [`Raffe'] sums of monies that `exceed $2,000,000'.
>
> 3. The aforementioned, together with Brieant's other criminal activities, compels the conclusion that he is probably the most corrupt federal jurist in American legal history.
>
> 4. A copy of this complaint is being sent directly to the National Commission on Judicial Discipline & Removal for, inter alia, consideration in its Final Report and Recommendations."

b. To be specifically noted, is that Chief Judge Newman omits reference to my 3g statement, which were never stayed, and are not subject to any stay on any summary judgment disposition.

Dated: October 22, 1993

Respectfully submitted,

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