

**STATEMENT AT THE CITIZEN'S HALF HOUR PRECEDING  
DECEMBER 4, 2006 MEETING OF THE MAYOR & COMMON COUNCIL**

I submit this statement at the citizen's half-hour preceding the Common Council Meeting in opposition to any intended reappointment of City Court Judge Jo Ann Friia, whose current term on that Court, on information and belief, expires at the end of this month.

By way of background, I am a taxpaying homeowner of 283 Soundview Avenue in the City of White Plains for more than 25 years. My relevant credentials include my being cofounder and director of the Center for Judicial Accountability, Inc., based in White Plains. I have dedicated the past 15 years of my life to *pro bono* public service as a judicial reformer. Nearly 40 years ago, I became President of the New York Women's Bar Association. Nearly 35 years ago, I became the first woman ever to serve on the Judicial Selection Committee of the New York State Bar Association. In that capacity, I served for eight years, interviewing all candidates for the New York Court of Appeals, the four Appellate Divisions of the New York Supreme Court, and the New York Court of Claims.

Based on my years of professional expertise in this arena and my direct personal knowledge of City Court Judge Friia as a *non-party* litigant in a case in which she has been involved over the past two years, my considered professional opinion is that her on-the-job performance falls short of minimal standards of appropriate judicial conduct. Indeed, were her term *not* expiring, I submit that her injudicious and abusive behavior, more specifically, her knowing and deliberate disrespect for the Rule of Law, including the federal and state Constitutions, as well as the Code of Judicial Conduct, and the relevant Ordinances and Rules of the City of White Plains, would warrant her immediate removal from the bench. She is a menace to those who are directly or indirectly affected by her decisions, as well as the public at large, especially municipal taxpayers who pay the freight for Judge Friia's incontrovertible malfeasance.

Mindful of your three-minute time limitation, I stand ready, upon request, to provide the Mayor and Council Members with documented detail substantiating the foregoing.

Respectfully submitted,

*Doris L. Sassower*

Doris L. Sassower

*Exhibit 6-9*

VIA FAX : 914 422 6058

May 16, 2006

Senior Judge Jo Ann Friia  
City Court of White Plains  
77 South Lexington Avenue  
White Plains, NY 10601

RE: People of the State of New York v. Soundview Trust c/o Doris L. Sassower, Docket #: 04-1471

Dear Judge Friia:

On advice of counsel, may I respectfully request that this letter be considered in the nature of a motion, thereby resulting in a written order. The following statement is true and affirmed by me as if under oath:

1. I am at a loss to understand Your Honor's repeated refusal to permit me to place on the record **jurisdictional** objections, most particularly, that I am NOT a defendant in this case. Neither could I comprehend why, at the March 15, 2006 session, Your Honor categorically rejected and refused to consider my prepared written statement in support of my objections, with supporting law, prior to ordering the trial to proceed. It was that insupportable ruling and other similarly injudicious conduct that prompted my March 17, 2006 letter, requesting Your Honor's recusal, which written recusal request Your Honor thereafter wholly ignored and disregarded. A copy of that letter is annexed hereto for the Court's convenience. (Ex. "A")

This was particularly disturbing in light of the fact that I repeatedly made known such objection to Your Honor, as well as to Senior Corporation Counsel, Joseph Henneberry, from the very inception of the court proceedings. Likewise, I reiterated such objection to Judge Barbara Leak when the matter came on before her. Judge Leak, *inter alia*, required the jurisdiction issues to be addressed in her handwritten memo on yellow legal cap by what she called her "marching orders." Such memo was part of the file read by me when I inspected it after the aforesaid March 15, 2006 court session. That memo was one of two items (the other being the litigation jacket with handwritten notes thereon made by this Court) mysteriously missing from the above-numbered file when I returned on May 2, 2006 to make copies of them thereafter because I was told the person who could authorize such copying had left for the day. See my attached still un-responded to-May 2, 2006 letter and FOIL request to Clerk of the City Court, Pat Lupi. (Ex. "B1-2").

Following that direction, Judge Leak was, suspiciously, removed from further involvement in this case and since then, Your Honor has reversed the intelligent direction Judge Leak had taken and totally disregarded the basic threshold issues in *directing* that a trial go forward before Your Honor, without even requiring a written or oral response on the jurisdictional issues from Deputy Corporation Counsel Henneberry, who has since succeeded in transmogrifying the Court's adjudicative duty by misleading Your Honor to believe it has, in fact, attained jurisdiction over this proceeding.

2. Frankly, the attorney I consulted was aghast that not once, but *twice*, Your Honor has issued letters advising me that if I failed to appear in court on the date specified, a bench warrant would issue. (Exs. "C" and "D"). Presumably Your Honor, as Senior Judge of this Court, knew far better than I, the Code of Criminal Procedure specifically states that **a bench warrant can *only* be issued to a person who is a defendant in a criminal proceeding.** Both the original Appearance Ticket and the Information herein (Exs. "E" and "F", plainly, show **on their face** that there is only one named defendant, "Soundview Trust" and I am **NOT** that one.

3. Indeed, the attorney would not even accept an engagement to represent me, in view of my status as a *non*-defendant herein, which he said did not require an appearance by him on my behalf. Hence, he stated, quite honestly, that he could not ethically take any money from me, when I offered him a financial retainer.

Consequently, with all due respect, I request a written acknowledgment by Your Honor that I have no legal obligation to appear tomorrow, May 17, 2006, at the scheduled 2 p.m. time for further proceedings herein. It is truly regrettable that, despite my past appearances in Court intended to clarify Your Honor's understanding of my jurisdictional and other due process objections, I was consistently thwarted by Your Honor and threatened with being removed from the courtroom, for my good faith attempts to do so. Indeed, I must again protest Your Honor's unjustified, degrading direction to your Court Officers on two separate occasions to have me so removed, on penalty of being taken into custody, as witnessed by numerous persons in the courtroom at the time.

I see no further reason to be so abused and mistreated by the Court, by giving it further opportunity to inflict such psychic injury upon me as I have, sad to say, experienced in my several past appearances before Your Honor in this proceeding, which has now been proven to be concocted and contrived by the City's own **\$12,000** paid witness (whose cross-examination, without prejudice to the aforesaid jurisdictional objections) was wrongly limited and curtailed by the Court). Moreover, for me to appear in person tomorrow at 2 p.m. would mean my sacrificing a more compelling medical appointment for doctor-prescribed physical therapy, conflicting with that date and time. See annexed "Burke Rehabilitation Appointment Schedule." (Ex. "G")

In the circumstances, I hereby place Your Honor on notice that your issuance of a bench warrant to command my future appearance, would be a warrant *void on its face*, not only contrary to black-letter law and the indisputable true jurisdictional facts, as well as the interests of justice, but could lead to serious and substantial repercussions for the City of White Plains, not to mention Your Honor.

Very truly yours,

DORIS L. SASSOWER

cc.: Senior Corporation Counsel Joseph Henneberry  
Six (6) Attachments

283 Soundview Avenue, White Plains, NY 10606-3821  
Tel: (914) 997-1677 • Fax: (914) 684-6554

**Doris L Sassower**

**VIA FAX & MAIL**

August 04, 2006

Hon. Jo Ann Friia, Senior Judge  
City Court of White Plains  
77 South Lexington Avenue  
White Plains, NY 10601

RE: City of White Plains v. Soundview Trust c/o Doris L. Sassower, Docket #: 04-1471

Dear Judge Friia:

Thank you for your letter dated August 2, 2006, received yesterday, advising of the adjournment of the above matter to September 13, 2006 and inviting me to "[p]lease be present and ready to proceed at that time."

I respectfully refer you to my letter dated May 16, 2006, copy enclosed, which lays out my position herein clearly and unequivocally. However, other than to refrain from your previous usage of threatening me with a bench warrant, if I did not appear on the date specified for continuance of the proceeding, as I pointed out was unlawful, Your Honor has totally failed to respond thereto, as requested. Likewise ignored by the Court, as well as the Corporation Counsel's Office was my Freedom of Information request for items improperly removed from the above-numbered file on Your Honor's direction, according to the Chief Clerk.

On advice of counsel, I did not appear at the last hearing, at which attorney Eli Vigliano was present in the courtroom strictly as an observer. In counsel's valued opinion, for me to make any motion in a case to which I am NOT a named party defendant and, hence, the Court has no personal jurisdiction over me, would be patently inappropriate.

Most respectfully,

DORIS L. SASSOWER

cc.: Senior Corporation Counsel Joseph Henneberry

Enclosures

*Exhibit G-C*

Following up our telephone conversation at 10:30 a.m. today in response to my written note to you yesterday when I came to the Court to obtain two items of information from the above numbered file and was denied access to same, I am submitting herewith a Freedom of Information Law request.

**FREEDOM OF INFORMATION REQUEST**

**RE: City of WP v. Soundview Trust, Docket #: 04-1471**

I hereby confirm and reiterate my prior written and oral requests for copies of the two following items of information relating to the above-numbered file, both as previously seen in said file by me when I first inspected it and which the Chief Clerk of the City Court has since removed.

1. The litigation jacket in which the file papers are regularly stored, with the handwritten notes of Judge Joann Friia.
2. The handwritten notes of Judge Barbara Leak on a sheet of yellow legal cap relating to jurisdictional issues raised by me.

Your timely response in accordance with law would be much appreciated.

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**DORIS L. SASSOWER**

VIA FAX : 914 422 6058

November 28, 2006

Senior Judge Jo Ann Friia  
City Court of White Plains  
77 South Lexington Avenue  
White Plains, NY 10601

RE: People of the State of New York v. Soundview Trust c/o Doris L. Sassower, Defendant  
Docket #: 04-1471

Hon. JoAnn Friia:

I am writing to you as attorney involved in the realty aspects of the premises located at 283 Soundview Avenue, White Plains, NY 10606.

I have discussed with Ms. Sassower the above-captioned matter, in which I am told that the People have rested their case and submitted proposed findings of fact and conclusions of law, which are before the Court for disposition. As your Honor was advised at the outset, I do not represent her in the criminal proceeding, but I have attended several sessions as an observer and am sufficiently familiar with it to reiterate what was said at the very outset, i.e., that the Court lacks jurisdiction over the person of Doris L. Sassower. Both the original Appearance Ticket and the Information herein plainly, show **on their face** that there is only one named defendant, which is "Soundview Trust" and **NOT** Doris L. Sassower. Obviously, a judgment of conviction against her personally would be a nullity.

Thankfully, at the present time, it appears that the Court recognizes that Doris L. Sassower is *not* a party to this proceeding, albeit without addressing the issue directly, as repeatedly requested by Ms. Sassower. Regrettably, Your Honor has never addressed that issue at all as to Soundview Trust, which, of course, would have required immediate dismissal of the proceeding.

Nonetheless, in the interests of justice, I respectfully request Your Honor as Senior Judge of this Court to consider carefully this dispositive jurisdictional issue before it renders any judgment other than dismissal herein, as it is plainly being led into error by the People's lawyer. The potential cloud on title by any adverse judgement by the Court would only necessitate future proceedings to undue any damage to title.

The Code of Criminal Procedure §1.20 (i ) provides that the accusatory instrument shall name the People of the State of New York as the plaintiff and a designated person (emphasis added) known as the defendant, adopting the definition of "person" found in Penal Law §10.00(7), to wit: "person means a human being, and where appropriate, a public or private corporation, an unincorporated association, partnership, government or governmental instrumentality."

The People's reliance on the definitions found in a local law, namely the Zoning Ordinance of the City of White Plains is plainly misplaced. Firstly, a trust is not a legal entity such as a corporation, limited liability company, partnership, government or governmental instrumentality. It merely describes a class of written agreements whereby a person known as the grantor or settler conveys property, real and/or personal to a person or persons, natural or legally an entity, such as a corporation, LLC, etc., known as the Trustee to be held in a fiduciary capacity for the benefit of a named person known as the beneficiary or beneficiaries.

Secondly, but dispositively, the local law cannot constitutionally override the NY State Code of Criminal Procedure when the People are seeking criminal sanctions in a criminal proceeding.

In my professional opinion, based on more than 50 years at the bar, nearly 40 years of which were as a real estate law specialist, any adverse judgment to be rendered by the Court in this matter will lead to serious and substantial repercussions for the City of White Plains, as well as Your Honor.

Most respectfully,

ELI VIGLIANO

cc.: Senior Corporation Counsel Joseph Henneberry