

## Center for Judicial Accountability, Inc. (CJA)

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**From:** Center for Judicial Accountability, Inc. (CJA) <elena@judgewidth.org>  
**Sent:** Tuesday, January 19, 2021 8:54 AM  
**To:** 'mrocah@westchesterda.net'; 'complaints@westchesterda.net'; 'foil@westchesterda.net'  
**Subject:** Public corruption/grand jury complaint vs Westchester County state legislators & other public officers for "wilful misconduct in office" including fraud and larceny pertaining to their own salary raises & the state & county budgets -- plus FOIL request  
**Attachments:** 1-19-21-complaint-form-to-rocah.pdf; 1-8-18-ltr-to-scarpino.pdf; 6-10-20-complaint-westchester-da-scarpino.pdf; westchester-7-28-20-da-foil.pdf

### TO: Westchester County District Attorney Miriam Rocah

Above attached is your completed complaint form – and the two public corruption complaints on which it rests that I filed with your Westchester County D.A. predecessor, Anthony Scarpino, involving the Westchester D.A. salary and the Westchester county budget. These are the same two public corruption complaints about which I gave you notice by the below June 16, 2020 and August 7, 2020 e-mails when you were running to be elected Westchester County D.A. -- to which I received NO response from you.

The only change in the status of these two complaints is that three days after your November 3, 2020 election, D.A. Scarpino sent me a November 6, 2020 letter stating, with respect to the June 10, 2020 complaint against "Westchester County State Legislators":

"Based on the information provided, we have determined that there is insufficient basis for a criminal investigation."

Such determination is a flagrant LIE by D.A. Scarpino, whose duty it was to have disclosed his financial and other conflicts of interests and to have taken steps to secure appointment of a special prosecutor. This is obvious from the June 10, 2020 complaint, which, in addition to highlighting the threshold issue of D.A. Scarpino's disqualification, furnished the *prima facie*, open-and-shut EVIDENCE, *via* a [substantiating webpage](#), from which ANY grand jury would have been compelled to indict the complained-against Westchester state legislators -- starting with the most powerful: Temporary Senate President Andrea Stewart-Cousins -- in discharge of its duty pursuant to Article I, §6 of the New York State Constitution "to inquire into the wilful misconduct in office of public officers and to find indictments". Likewise obvious is that ANY "criminal investigation" would have compelled indictments of New York's Chief Judge, the former Westchester D.A. Janet DiFiore – a Westchester resident –and, as explicit from the January 8, 2018 complaint, with its [substantiating webpage](#), indictments of Westchester County's most consequential public officers: County Executive George Latimer, the County Board of Legislators, and D.A. Scarpino.

Now that you are D.A., you too will be guilty of "wilful misconduct in office" if you repeat what you did as a candidate: ignore, without response, the FULLY-DOCUMENTED January 8, 2018 and June 10, 2020 public corruption/grand jury complaints and your financial and other conflicts of interest arising therefrom. As to those conflicts, they have all been exacerbated since my June 16, 2020 and August 7, 2020 e-mails to you. You are plainly drawing a salary – and, presumably, it is not \$136,700, but the \$210,000-plus resulting from the two commission reports that are each "false instruments", about which my e-mails alerted you. As for the conflicts arising from the corruption and collusion of several of your endorsers -- your former boss, then U.S. Attorney Preet Bharara, and Berit Berger, then Executive Director of Columbia University's Center for the Advancement of Public Integrity – you chose, in face of my two e-mails alerting you to their corrupt, collusive conduct, to have Mr. Bharara administer your oath of office and to make Ms. Berger your chief ethics officer.

As previously, I am available to assist you to the max so that you can make good on the anti-corruption, transparency, and accountability rhetoric on which you campaigned in your quest to be D.A. and which you have continued to trumpet. To that end, I have created a webpage for this complaint, from which ALL its substantiating open-and-shut, *prima facie* EVIDENCE is accessible, [here](#). This includes the open-and-shut, *prima facie* EVIDENCE from which ANY grand jury would indict Mr. Bharara and Ms. Berger, speedily. It also includes D.A. Scarpino's September 24, 2020 response to the above-attached July 28, 2020 FOIL request – which I hereby re-file with you for your own response.

As the injury caused to the People of Westchester County – and New York State – by the systemic governmental corruption laid out by the January 8, 2018 and June 10, 2020 complaints is on-going and irreparable, time is of the essence. Will you – or will you not – be upholding the grand jury's constitutionally-guaranteed “power...to inquire into” them?

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Friday, August 7, 2020 11:30 AM  
**To:** 'campaign@mimirocahforda.com' <[campaign@mimirocahforda.com](mailto:campaign@mimirocahforda.com)>; 'hello@mimirocahforda.com' <[hello@mimirocahforda.com](mailto:hello@mimirocahforda.com)>

**Subject: What are your answers? June 16th message, sent via the contact feature of your campaign website.**

**TO: Westchester District Attorney Candidate Mimi Rocah**

I have received no response from you to my below June 16<sup>th</sup> message, sent *via* the contact feature of your campaign website. Did you receive the message – and did you respond?

As you defeated D.A. Scarpino in the June 23<sup>rd</sup> Democratic party primary – and Westchester County is 2-1 Democratic -- the indicated webpage “Holding Re-Election-Seeking Westchester County D.A. Scarpino Accountable” has now been renamed: “Testing the Fitness of Presumptive Westchester County D.A. Rocah”: <http://www.judgewatch.org/web-pages/elections/2020/da-elections/presumptive-da-rocah.htm>.

What is your response to the two public corruption complaints there posted – as to which my June 16<sup>th</sup> message asked:

“Will you – as a candidate – ‘blow the whistle’ about the January 8, 2018 corruption complaint that D.A. Scarpino has been ‘sitting on’ – and speak out about how he should be handling the June 10, 2020 corruption/grand jury complaint, pursuant to Article I, §6 of the New York State Constitution? And, if not, is it because you suffer conflicts of interests with respect to these complaints – exposing, as they do, the public corruption of several of your endorsers, as, for instance, State Senator Alessandra Biaggi and your former boss, U.S. Attorney Preet Bharara – and the nonfeasance of such endorsers as Berit Berger, Executive Director of the so-called Center for the Advancement of Public Integrity.

If elected, how will you address your financial and other conflicts of interest with respect to each of these two complaints, if action has not been taken by D.A. Scarpino before then.”

Please furnish your answers by next Friday, August 14<sup>th</sup> – and be sure to specify what salary you would expect Westchester County taxpayers to pay you, should you be elected. Is it \$136,700 or \$210,900?

Thank you.

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

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**From:** Center for Judicial Accountability, Inc. (CJA) <[elena@judgewatch.org](mailto:elena@judgewatch.org)>  
**Sent:** Tuesday, June 16, 2020 2:41 PM  
**To:** 'Center for Judicial Accountability, Inc. (CJA)' <[elena@judgewatch.org](mailto:elena@judgewatch.org)>

**Subject:** sent via the contact feature on Candidate Rocah's website, <https://www.mimirocahforda.com/> -- June 16, 2020, at 2:38 pm

**Subject:** You can win, easily & without \$, vs Westchester D.A. Scarpino. All it takes is using the bully-pulpit of your candidacy to "whistle-blow" about the corruption complaint he's been "sitting on" & the corruption/grand jury complaint, just filed

**TO: Westchester District Attorney Candidate Mimi Rocah**

I am director and co-founder of the non-partisan, non-profit citizens' organization, Center for Judicial Accountability, Inc. (CJA), based in White Plains.

Are you aware that the Westchester district attorney's salary comes out of the Westchester County budget – and that the increases in that salary, from the \$136,700 it was prior to April 1, 2012 to the more than \$210,000 it is today, are the product of two "force of law" commission reports which are "false instruments", violative of Penal Law §175.35. On January 8, 2018, I filed a fully-documented corruption complaint with Westchester D.A. Scarpino pertaining to his larcenous district attorney salary, seeking corrective action, including prosecution of the Westchester County public officers responsible and complicit. Among these, Westchester County's 14 state Senate and Assembly members – and D.A. Scarpino. To date, more than 2-1/2 years later, D.A. Scarpino has been "sitting on" the complaint, while financially benefiting from the fraudulent salary increases that Westchester County taxpayers pay for.

Last week, I filed a second corruption complaint with D.A. Scarpino, related to the first. This June 10, 2020 complaint, also fully documented, is solely against Westchester County's 14 state legislators and seeks a grand jury inquiry and indictments pursuant to Article I, §6 of the New York State Constitution for their "wilful misconduct in office", including fraud and larceny with respect to their OWN legislative salaries & the Legislature's OWN budget." It furnishes proof that the "force of law" committee report that boosted their salaries from \$79,500 to \$110,000 is a "false instrument", violative of Law §175.35 in virtually identical respects as the two "force of law" commission reports that boosted D.A. Scarpino's salary.

Both complaints are posted on CJA's website, [www.judgewatch.org](http://www.judgewatch.org), accessible *via* the prominent center link: "ELECTIONS 2020 – Taking Out Corrupt & Collusive Legislative Incumbents & Conspiring D.A.s – All Beneficiaries of Statutory-Violative, Fraudulent, Unconstitutional Pay Raises & Other Larcenies of Taxpayer Monies". The direct link to the webpage on which they are posted, entitled "Holding Re-Election-Seeking Westchester County D.A. Scarpino Accountable", is here: <http://www.judgewatch.org/web-pages/elections/2020/da-elections/scarpino.htm>.

Will you – as a candidate – "blow the whistle" about the January 8, 2018 corruption complaint that D.A. Scarpino has been "sitting on" – and speak out about how he should be handling the June 10, 2020 corruption/grand jury complaint, pursuant to Article I, §6 of the New York State Constitution? And, if not, is it because you suffer conflicts of interests with respect to these complaints – exposing, as they do, the public corruption of several of your endorsers, as, for instance, State Senator Alessandra Biaggi and your former boss, U.S. Attorney Preet Bharara – and the nonfeasance of such endorsers as Berit Berger, Executive Director of the so-called Center for the Advancement of Public Integrity.

If elected, how will you address your financial and other conflicts of interest with respect to each of these two complaints, if action has not been taken by D.A. Scarpino before then.

I look forward to discussing this with you, directly – and as soon as possible, consistent with the transparency, disclosure, and “tough ethical standards” you have promised: <https://www.mimirocahforda.com/tough-ethical-standards>

Thank you.

Elena Sassower, Director  
Center for Judicial Accountability, Inc. (CJA)

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