

## CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station  
White Plains, New York 10605-0069

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Fax (914) 428-4994

E-Mail: [judgewatch@aol.com](mailto:judgewatch@aol.com)  
Web site: [www.judgewatch.org](http://www.judgewatch.org)

Elena Ruth Sassower, Coordinator

BY FAX: 212-416-8942 (2 pages)

BY CERTIFIED MAIL/RRR: 7099-3400-0001-2791-8615

October 4, 2000

New York State Attorney General Eliot Spitzer  
120 Broadway  
New York, New York 10271-0332

RE: Your ethical and professional duty, *inter alia*, to withdraw your Law Department's fraudulent "Affirmation in Opposition to Motion" in *Mantell v. Commission* (S. Ct. NY Co. #99-108655; Appellate Division, First Dept.: Cal. #2000-3833)

Dear Mr. Spitzer:

This follows up CJA's hand-delivered September 27, 2000 letter to you, putting you on notice of the appellate misconduct of your Law Department in the Article 78 proceeding, *Michael Mantell v. Commission* (NY Co. #99-108655), now before the Appellate Division, First Department. That letter called upon you to meet your supervisory duty, including by withdrawing your Law Department's Brief for Respondent – whose fraudulence is the subject of a pending motion by me.

Please be advised that you now have an additional duty: to withdraw your Law Department's fraudulent opposition to my motion. This fraudulent opposition, consisting of an "Affirmation in Opposition to Motion" by Assistant Attorney General Constantine Speres – the same Assistant Attorney General who signed the fraudulent Brief for Respondent which is the subject of the motion -- had already been filed in the Appellate Division, First Department when I hand-delivered the September 27<sup>th</sup> letter to your executive office.

I have until this Friday, October 6<sup>th</sup>, to file my reply to Mr. Speres' Affirmation in Opposition, as I obtained an adjournment of the original Friday, September 29<sup>th</sup>

 "C"

October 4, 2000

return date. As I wish to inform the Appellate Division, First Department as to what supervisory steps you have taken in the wake of CJA's September 27<sup>th</sup> letter to you – a copy of which will be an exhibit to my Reply Affidavit – please have a member of your staff call me by 5:00 p.m. tomorrow, October 5<sup>th</sup>, so that I may include that information in my reply. Frankly, it appears you have taken no supervisory steps, or at least none that are appropriate, since, otherwise, your office would have, *sua sponte*, notified the Appellate Division, First Department that you were withdrawing Mr. Speres' Affirmation in Opposition. This, in addition to withdrawing his Brief for Respondent, as requested by CJA's September 27<sup>th</sup> letter to you.

Please be aware that the Appellate Division, First Department defines professional misconduct at 22 NYCRR §603.1, both in relation to "any attorney" and "any law firm" – and I intend to have it enforce such provision against you, *personally*, by appropriate disciplinary and criminal referral.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator  
Center for Judicial Accountability, Inc. (CJA)

cc: Law Department/Office of the Attorney General [Fax: 212-416-6075]  
ATT: Assistant Attorney General James Henly, Chief, Litigation Bureau  
Assistant Attorney General Charles Sanders, Chief, Section "D"  
Assistant Attorney General Constantine Speres, Section "D"  
New York State Commission on Judicial Conduct [Fax: 212-949-8864]  
ATT: Gerald Stern, Administrator & Counsel  
Commissioners & Chairman  
Michael Mantell, Esq. [Fax: 212-997-5070]

TRANSMISSION VERIFICATION REPORT

TIME : 10/04/2000 15:05

NAME : CJA

FAX : 9144284994

TEL : 9144211200

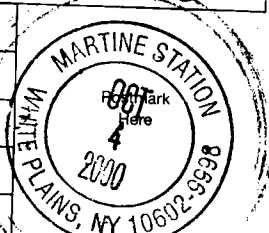
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**U.S. Postal Service  
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Article Sent To:  
*Attorney General Eliot Spitzer*

Postage	\$ .99
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Name (Please Print Clearly) (to be completed by mailer)  
*Att. David Nocenti, Peter Pope, William Casey*

Street, Apt. No., or PO Box No.  
*120 Broadway 25<sup>th</sup> floor*

City, State, ZIP+4  
*New York New York 10271-0382*

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DATE: 10/4/00 TIME: 3<sup>15</sup> pm FAX #: 212-466-6075

TO: Law Dept - NYS Attorney General  
Att: ① James Henly; ② Charles Sanders; ③ Constantine  
Spores

RE: Mantell v. Commission

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE:

The enclosed 10/4/00 letter to  
Attorney General Spitzer is for  
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Assistant Attorneys General, who  
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Thanks.

**ACCOUNTABILITY, INC.**

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DATE: 10/4/00 TIME: 3<sup>20</sup> pm FAX #: 212-949-8864

TO: NYS Commission on Judicial Conduct  
ATT: Gerald Stern; Commissioners + Chairman

RE: Martell v. Commission

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE: \_\_\_\_\_

Enclosed is CJA's letter

of today's date to

Attorney General Spitzer —

to which you are

indicated recipients

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) 421-1200  
) 428-4994

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Judicial Conduct  
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General Spitzer -  
if you are  
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DATE: 10/4/00 TIME: 3<sup>23</sup> pm FAX #: 212-997-5070

TO: Michael Mandell

RE: Mandell v. Commission

FROM: ELENA RUTH SASSOWER, Coordinator

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MESSAGE:

Enclosed is CJA's letter of  
today's date to  
Attorney General Spitzer

CENTER for JUDICIAL ACCOUNTABILITY, INC. is a national, non-partisan, non-profit citizens' organization documenting how judges break the law and get away with it.



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TIME : 10/04/2000 15:19

NAME : CJA

FAX : 9144284994

TEL : 9144211200

DATE, TIME	10/04 15:18
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