

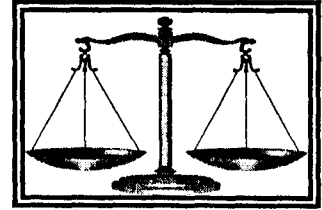
CENTER for JUDICIAL ACCOUNTABILITY, INC.

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

TEL: 914-421-1200 • FAX: 914-428-4994

E-Mail: judgewatch@aol.com

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Doris L. Sassower, Director

Direct Tel: 914-997-1677

Direct Fax: 914-684-6554

FAX COVER SHEET

This fax transmission consists of a total of ⁶ page (s), including this cover page. If you have not received all the pages, please call the sender at (914) 997-1677 as soon as possible.

TO: Bruce Golding

OFFICE: Gunneth suburban newspapers

DATE: 10/9/98

TIME: 5:30 pm

FAX #: 694-5018

RE: A new story

FROM: Doris L. Sassower, Director

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MESSAGE:

Feel free to call me for further information concerning this latest outrage.

DL

The Center for Judicial Accountability, Inc. is a national, nonpartisan, nonprofit citizens' organization documenting the dysfunction, politicization and corruption of the closed-door processes of judicial selection and discipline on federal, state and local levels. Its mission is to ensure that only the most qualified lawyers become, and remain, judges.

Doris L. Sassower

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

BY HAND

October 5, 1998

Honorable Jeanine Ferris Pirro
District Attorney, Westchester County
111 Dr. Martin Luther King Jr. Boulevard
White Plains, NY 10601

My Dear Ms. Pirro:

I regret that I must record most serious complaints concerning the failure of Westchester County Clerk Leonard N. Spano to:

1. produce for inspection, on proper request, Supreme Court litigation documents duly filed with him and claimed by his Office to be missing;
2. take appropriate investigative action so as to identify the perpetrators of the severely prejudicial criminal acts involved in the unexplained disappearance of these documents; and
3. enforce the penalties of the law against such perpetrators and to discipline those public officers who, acting in complicity, have knowingly covered up official and other wrongdoing.

Since August 1998, I have been trying to obtain access to the files in *Wolstencroft v. Sassower*, Index #82-24343, in which case I was directly involved as a party-litigant. Since the files of this matter were sealed by order of Justice Nicholas Colabella in 1991, and, absent notice on formal application, open only to the parties and their counsel, the County Clerk should have been able easily retrieve the files from archives or account for their whereabouts. When I first requested the files from Senior Clerk Victor Sciotto, I stated I was specifically interested in the pre-1992 litigation files, containing the original transcripts of the six week trial before Justice Colabella that occurred in November-December 1991.

On August 24, 1998, I was told the case files had been retrieved from archives and were available for my inspection. However, review by myself and an assistant in five separate trips to the Clerk's Office, showed that such essentially pertained to the *post*-1992 files, and that the requested trial transcripts were missing, along with the bulk of the ten years worth of pre-1992 litigation papers. In hope of finding needed information, I added to my request the sealed matrimonial files in *Wolstencroft v. Wolstencroft*, Index ## 81/12481 and 81/4044, wherein I had

RECEIVED
OCT 5 1998
LEONARD N. SPANO
COUNTY CLERK
COUNTY OF WESTCHESTER

been counsel to Kathleen Wolstencroft in her said divorce action. These too, I was thereafter informed were also missing from archives. In my numerous conversations thereafter with Senior Clerk Dean Wood, Assistant Deputy Clerk Ivan Piniero, Deputy Clerk Peter Neglia, and finally with Westchester County Clerk Spano, who referred me to his Assistant, Eugene Rogers, these public officers all reiterated that Archives had verified again and again that they did not have the requested files or transcripts; nor could any of these individuals provide any explanation as to their disappearance.

It should be noted that Mr. Spano proudly identifies his office in his promotional material (copy enclosed) as "the oldest elected office in the history of the county. For over 300 years the County Clerks have served the people of Westchester by preserving the documents of its rich heritage". Yet, and despite the large warning signs posted with citation of Penal Law, Sec. 175-25, advising the public of penalties for tampering with or removing of files from the office, Mr. Spano, in the one conversation I had with him last month, seemed remarkably unconcerned about the unaccounted-for loss of the voluminous files comprising my ten year litigation; and, especially, the trial transcripts, obtained and paid for by my insurer, costing, perhaps as much as \$50,000, as well as the similarly voluminous files relating to the Wolstencroft divorce action.

An investigation of this complaint must be initiated promptly, and, in my opinion, by your office, rather than the police, in view of the gravity of the charges, the exigent nature of my need for the documents in question, and your superior investigative resources.

I will be available upon your telephone request to meet with you or your representatives immediately, if the filing of a formal complaint under oath is required to supplement the foregoing and permit you under the law to proceed with the investigatory process.

Very truly yours,



DORIS L. SASSOWER

Encl.

cc.: Leonard N. Spano, Westchester County Clerk



LEONARD N. SPANO
Westchester County Clerk

110 Grove Street
White Plains, New York 10601

The Westchester County Clerk is the oldest elected office in the history of the county. For over 300 years the County Clerks have served the people of Westchester County by preserving the documents of its rich heritage. As the 42nd Westchester County Clerk it is my privilege to serve in the same proud tradition.

Since taking office in 1994, it has been my goal to make the County Clerk's office more accessible to the people of Westchester. One of the many ways I have done this was to extend the hours of the office. We're open from 8:00 a.m. to 5:45 p.m., Monday through Friday.

In addition to these extended hours, I have instituted the mobile Outreach Office through which my staff and I bring the services of the County Clerk to the public. Each month we visit a different municipality to make it easier for the citizens of Westchester County to familiarize themselves with the services provided by this office. To further my efforts to "bring government to the people," I have established a website located at <http://nyslgti.gen.ny.us/Westchester>.

This reference card lists all of the phone numbers to our different departments. You might want to keep it on your desk or taped near a phone.

I appreciate the opportunity to provide so many services to the people of Westchester as their County Clerk.

A handwritten signature in cursive script that reads "Leonard N. Spano".

Doris L. SassowerRECEIVED
DISTRICT ATTORNEY

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

1998 OCT -5 P 2:09
COUNTY OF WESTCHESTER

BY HAND

October 5, 1998

Honorable Jeanine Ferris Pirro
 District Attorney, Westchester County
 111 Dr. Martin Luther King Jr. Boulevard
 White Plains, NY 10601

RECEIVED
 OCT 5 1998
 LEONARD N. SPANO
 COUNTY CLERK
 COUNTY OF WESTCHESTER

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OFFICE OF THE
WESTCHESTER COUNTY DISTRICT ATTORNEY

October 7, 1998

Ms. Doris L. Sassower
283 Soundview Avenue
White Plains, New York 10606-3821

Dear Ms. Sassower:

This is in response to your letter of October 5, 1998.

It is not the province of the District Attorney to oversee the administration of the Westchester County Clerk's Office. Nor is each mislaid file or misfiled document cause to commence a criminal investigation. The Penal Law provision to which you refer concerns cases of wilful tampering only. Nothing in the account you present suggests that anything of this sort occurred here.

You are, of course, free to pursue whatever private, civil or administrative remedies are available to you.

Very truly yours,

JEANINE PIRRO
DISTRICT ATTORNEY

Francis T. Donohue
Chief Assistant District Attorney

FTD:rl