

State of New York, Court of Appeals

*At a session of the Court, held at Court of
Appeals Hall in the City of Albany
on the.....twelfth.....day
of.....September..... 2002*

Present, HON. JUDITH S. KAYE, *Chief Judge, presiding.*

Mo. No. 581
Elena Ruth Sassower, &c.,
Appellant,
v.
Commission on Judicial Conduct
of the State of New York,
Respondent.

A motion seeking disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick, Rosenblatt and Graffeo, and an application seeking recusal in the above cause having heretofore been made upon the part of the appellant herein and papers having been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion, insofar as it seeks disqualification of Judge Rosenblatt, be and the same hereby is dismissed as academic; and it is

ORDERED, that the said motion, insofar as it seeks disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick and Graffeo, be and the same hereby is dismissed upon the ground that the Court has no authority to entertain the motion made on nonstatutory grounds. The application seeking recusal is referred to the Judges for individual consideration and determination by each Judge.

Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo concur.

Judge Rosenblatt took no part.

Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo each respectively denies the referred motion for recusal.

Stuart M. Cohen

Stuart M. Cohen
Clerk of the Court



*State of New York
Court of Appeals*

*Stuart M. Cohen
Clerk of the Court*

*Clerk's Office
Albany, New York 12207-1095*

DECISION September 12, 2002

Mo. No. 581
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Appellant,
v.
Commission on Judicial Conduct
of the State of New York,
Respondent.

Motion, insofar as it seeks disqualification of Judge Rosenblatt, dismissed as academic; motion, insofar as it seeks disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick and Graffeo dismissed upon the ground that the Court has no authority to entertain the motion made on nonstatutory grounds. The application seeking recusal is referred to the Judges for individual consideration and determination by each Judge. Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo concur. Judge Rosenblatt took no part. Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo each respectively denies the referred motion for recusal.