

**DISTRICT OF COLUMBIA
COURT OF APPEALS**

No. 04-CM-760

ELENA R. SASSOWER,

Appellant,

v.

UNITED STATES,

Appellee.

**AFFIDAVIT IN SUPPORT OF REQUEST FOR IMMEDIATE RELEASE FROM THE
D.C. CORRECTIONAL TREATMENT FACILITY PENDING APPEAL**

Pursuant to Rule 9 of the Rules of this Court, I, R. Elizabeth Brenner, counsel for Appellant Elena R. Sassower submit the following information required by Form 6 of the Rules of this Court regarding the detainee Ms. Sassower in support of her Emergency Appeal From the Superior Court of the District of Columbia.

1. Name (including all aliases) and date and place of birth:

Elena Ruth Sassower

Aliases: none

Born May 8, 1956, New York, New York

2. Marital status, the number and ages of children, and the extent to which each child is dependent upon the applicant for support (indicate date of each child's birth):

Ms. Sassower is unmarried and has no children.

3. Health, including any history of major physical or mental illness or of narcotics addiction, and any history of treatment for these disorders (indicate dates):

I am informed by Ms. Sassower's sister Mrs. Carey Karmel that Ms. Sassower is in good health and has no history of any major physical or mental illness or addiction.

4. Present residence and length of residence of the applicant in the District of Columbia area, and previous places of residence within the last 5 years (indicate dates):

16 Lake St., Apt. 2C, White Plains, NY 10603, for approximately 15 years.

5. The names and addresses of relatives or other persons who might assist with regard to posting of bail, taking the applicant into custody, or providing financial support:

Sister: Mrs. Carey Karmel, 25 E. 86th St., Apt. 10G, New York, NY 10028

Aunt: Mrs. Frances Ness, 417 Pocahontas Ave., Morgantown, WV 26505

Local Friend: Dr. Merle Myerson, NIH, NHLBI, 6701 Rockledge Drive, MSC 7934, Bethesda, MD 20892-7934

6. Present financial ability and means of support of the applicant, past, present, and prospective, including history of employment over the past 5 years (indicate dates, the nature of employment, and the names and addresses of employers):

I am informed by Ms. Karmel that Ms. Sassower has most recently been employed as a teacher at Congregation Ansche Chesed, 251 West 100th Street, New York, NY 10025-5397 and Temple Israel Center, 280 Old Mamaroneck Road, White Plains, NY 10605, and that Ms. Sassower does have savings, checking, and IRA accounts. Ms. Karmel offers to provide any necessary financial support for or supervision of Ms. Sassower.

7. Prior criminal record of the applicant, including all previous arrests, convictions, admissions to bail, releases on other conditions, probations, and paroles (indicate the nature of the offenses, the amounts of bail or conditions of release, any forfeitures of bail or revocations of release, parole, or probation, the final disposition of the cases, the names of the courts involved, and the relevant dates):

Ms. Sassower's criminal record is disclosed in the attached pre-sentence reports.

8. The nature of the offense or offenses presently charged or for which the applicant has just been convicted, or other basis for his or her present release or detention, such as narcotics addiction or classification as a material witness. Indicate the present status of the case including the dates of arrest, trial, and conviction, the expected completion date of the official transcript, and any other relevant dates:

Arrest: May 22, 2003

Charge: Disruption of Congress, D.C. Code § 10-503.16(b)(4)

Trial: April 12, 2004

Conviction: April 20, 2004

Sentencing: June 28, 2004

9. The sentence, if any, which the applicant has received (indicate date):

Original sentence: 92 days incarceration, credit for time served, \$500 fine

Revised Sentence: 180 days incarceration, \$500 fine

Days served as of October 7, 2004: 102 days

Expected completion of sentence: December 2004

10. The nature of the appeal (indicate whether the appeal is in forma pauperis and whether counsel has been appointed):

Ms. Sassower appeals from the denial by the Superior Court of her unopposed motion for immediate release from jail pending appeal so that issues regarding her sentence will not be rendered moot by her completion of that sentence.

11. Where the applicant has been charged with, but not yet convicted of, an offense punishable by imprisonment, the reasons why in the applicant's view one or more conditions of release will reasonably assure that he or she will not flee or pose a danger to any other person or the community:

N/A

12. Where the applicant has been convicted of any offense, the reasons why he or she is not likely to flee or pose a danger to any other person or to the property of others:

I am informed by Ms. Karmel that Ms. Sassower is a "very gentle person" with no history of violence, "a very law abiding person, almost to a fault," and that Ms. Sassower is not likely to flee or to pose any danger to any other person or to the property of others. I am also informed by Ms. Karmel that Ms. Sassower dutifully traveled from the State of New York in order to make all of her court appearances, etc., relating to this case. I am unaware of any instance where Ms. Sassower has fled or posed any danger to others.

13. Where the applicant has been convicted and sentenced, and has appealed, the reasons why the appeal raises a substantial question of law or fact likely to result in a reversal or an order for a new trial:

The substantial questions of law are discussed in the attached appeal brief.


14. Any other pertinent information, arguments, or assurances:

Based on my meeting with Ms. Sassower in the D.C. Correctional Treatment Facility, my telephone conversations with Ms. Karmel and with Ms. Sassower's mother, and my conversations with co-counsel, I believe that Ms. Sassower poses little if any risk of flight or danger to others, and that Ms. Sassower, even if permitted to leave the District of Columbia,

would return to the custody of the District of Columbia if ordered by this Court to do so, and also abide by the custodial terms of her release.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed October 7, 2004, in Washington, District of Columbia.



R. Elizabeth Brenner (D.C. Bar No. 439783)

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