COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA

No. 04-CM-760
No. 04-CO-1600

Motion for Reconsideration & Other Relief, Including *En Banc Review* & Disqualification of/Disclosure by the Three-Judge Panel

ELENA RUTH SASSOWER,

Appellant.

v.

UNITED STATES OF AMERICA,

Appellee.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) ss.:

ELENA RUTH SASSOWER, being duly sworn, deposes and says:

1. I am the appellant *pro se* in the above-numbered consolidated appeals of my conviction and sentence for "disruption of Congress".

2. This affidavit is timely-filed[1] in support of a motion for the following relief:

(a) Reconsideration of this Court's July 14, 2005 order (per Reid, Glickman, and Pryor) and, based thereon, the granting of the four branches of relief requested by my June 28, 2005 procedural motion;

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[1] To no avail, my from-jail submissions under docket #04-CM-760 apprised the Court last summer that its rules are unclear -- including Rule 27(b)(3) pertaining to motions to "reconsider, vacate, or modify" orders on procedural motions. With respect to this reconsideration motion, the Court's staff struggled to identify for me what rule governs. As for my inquiries with regard to the time for making this motion, the answer I received was 14 days – excluding the date of the order – and that this date is July 28, 2005.

(b) A 90-day extension for the filing of my appellant's brief from the date of the Court's order herein so as to permit me to obtain the assistance of lawyers and professional writers in redrafting the brief in the event the Court does not grant either part of the first branch of my June 28, 2005 procedural motion and, additionally, does not grant the motion's fourth branch for a conference;

(c) Referral of this reconsideration motion to the *en banc* Court for its adjudication in conjunction with its determination as to *en banc* hearing of the appeals; and

(d) Such other and further relief as may be just and proper, including disqualification of the three-judge panel for actual bias and interest, pursuant to Canon 3E of the Code of Judicial Conduct for the District of Columbia Courts, vacatur of its July 14, 2005 order by reason thereof, and, failing that, disclosure pursuant to Canon 3F of the Code of Judicial Conduct for the District of Columbia Courts.

RECONSIDERATION

3. By an unsigned order date-stamped July 14, 2005 (Exhibit "A"), a three-judge panel of this Court (Judges Reid, Glickman, and Pryor) denied, without reasons, ALL relief sought by my June 28, 2005 procedural motion, with the exception of my motion's fourth branch which the panel, without reasons, neither adjudicated nor identified. It is axiomatic that reasons function as a check against arbitrary and improperly-motivated conduct.

4. All the reasons which my procedural motion had presented in support of its four branches of relief were unopposed by my adversary, the U.S. Attorney for the District of Columbia, who did not submit any opposition papers. Examination of these unopposed reasons shows them to be good and sufficient. The July 14, 2005 order identifies none of them -- giving rise to the inference that had the panel identified them, it could not, as it did, deny my motion's first three branches and fail to adjudicate the fourth.

5. The July 14, 2005 order also materially misrepresents and conceals the relief sought by my motion's four branches, giving rise to a further inference that had the order accurately identified the relief, the panel could not have disposed of it as it did.

6. My motion's first-branch relief was two-fold in that it included an alternative:

> "Permission to 'exceed the page limits' for my appellant's brief on these consolidated appeals so that the Clerk's office will accept for filing my June 28, 2005 appellant's brief, or, in the alternative, grant me an 'extension[] of time' to resubmit an appellant's brief within 'page limits' prescribed by this Court based on a ruling as to the particularity required to establish pervasive actual bias meeting the 'impossibility of fair judgment' standard articulated by the U.S. Supreme Court in *Liteky v. United States*, 510 U.S. 540 (1994) – with three months afforded me from the date thereof so that my revised appellant's brief may be consistent therewith". (underlining added)

7. The July 14, 2005 order makes it appear as if these are two separate branches. In so doing, the order conceals the integral connection between the two, such that the panel could not – as it did – BOTH deny me "leave to exceed the page limits" AND fail to articulate the "given legal standard". Indeed, by its euphemistic reference to a "given legal standard", the panel further obscures the unfairness, indeed untenability, of what it has done.

8. As particularized by my motion's ¶¶4-9 relating to my first branch, the excess pages of my appellant's brief are, in fact, reasonable, warranted, and the result of my attempting to meet a burden of specificity which this Court has not yet defined for establishing pervasive actual bias meeting the "impossibility of fair judgment" standard of *Liteky*. This is the first of my appellate issues, relating to my entitlement to Judge Holeman's disqualification. The panel cannot properly reject such excess pages unless it

otherwise defines the specificity required for me to meet my burden and gives me sufficient pages for such purpose, additionally bearing in mind that my appellate presentation as to this first issue also relates to the second issue as to my entitlement to venue in the federal court. Yet, this is precisely what the panel has done – and compounded by affording me only 30 days of my requested three months to revise my brief within the generic 50-page limit of Rule 32(a)(6).

Such, moreover, is in face of the fact -- stated at ¶3 of my motion -- that Assistant U.S. Attorney John R. Fisher, who heads the appellate division of the U.S. Attorney's office for the District of Columbia, not only had consented to my requested three-month extension, but had himself suggested that I frame it as running from the date of the Court's order, so as to prevent my being shortchanged.

9. With respect to my motion's second and third branches, the order combines them, as if they are one, and mischaracterizes their relief. This it describes as "to supplement the record with materials from an appeal dismissed as duplicative, materials from a previously filed petition for mandamus relief, and materials which the trial court refused to admit below". It is this mischaracterized relief that the panel denies – raising the reasonable question as to whether, had the relief been accurately identified, the panel would have been compelled to grant it.

10. The relief of my motion's second branch – to which, as stated by ¶3 of my motion, Assistant U.S. Attorney Fisher had consented -- was:

> "Permission to lodge with this Court original trial exhibits, whose exclusion by Judge Holeman is encompassed by the appeal".

These "original trial exhibits" are already part of the lower court record, being, in the words of the order, "materials which the trial court refused to admit below". This is

why I did not request – as the order purports -- to "supplement the record" with them. Rather, I sought to lodge them with the Clerk to enable the Court to discharge its appellate function. As stated in my motion's ¶10:

> "...it should be evident that the Court cannot assess the falsity and outright maliciousness of Judge Holeman's key evidentiary and other rulings – as particularized by my appellant's brief (pp. 35-41, 70-74, 77-79, 79-82, 83-84) -- unless it has such exhibits before it.... Suffice to say, I attest under oath that these are the original trial exhibits – and that they are listed in my Trial Exhibit List."

11. As to my motion's third branch – to which, as ¶3 of my motion also stated, Assistant U.S. Attorney Fisher had consented -- it requested:

> "Incorporation into the record herein of this Court's record of my April 6, 2004 petition for a writ of mandamus, prohibition, certiorari and/or certification of questions of law [#04-OA-17], as well as of my October 6, 2004 'Emergency Appeal' for my release from incarceration to preserve appellate issues [#04-CO-1239]".

While it may be a matter of semantics whether this constitutes a "supplement" to the record, my third branch was not addressed to "materials from an appeal dismissed as duplicative" or "materials from a previously filed petition for mandamus relief", as if some selective portion. It was addressed to incorporating the entire court record under #04-OA-17 and #04-CO-1239 – relief which my motion's ¶11 stated to be *pro forma* – and which it is. Indeed, irrespective of my motion, I am entitled to have the Court take "judicial notice" of its own judicial records and to incorporate them by reference. Especially is this so as these records present the factual particulars of this case of which the Court is already familiar. This was so-stated at the very outset of my appellant's brief (pp. 1-2) – where

such incorporation-by-reference takes the place of a "Statement of the Facts", which, due to restrictive page limits for the brief, I cannot accommodate.[2]

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[2] There are two additional and interrelated ways in which the July 14, 2005 order masks the impropriety of its denial of my motion's third-branch.

First, notwithstanding my third branch had accurately identified #04-CO-1239 as my "Emergency Appeal", quoting from the first paragraph of the Court's October 14, 2004 order therein, itself quoting from my October 6, 2004 appeal brief, the panel's July 14, 2005 order substitutes the designation "an appeal dismissed as duplicative". There is no reason for it to have done this, other than to create an inference that the "materials" it is excluding are themselves "duplicative" and therefore unnecessary.

Second, the order reverses the chronologically-correct sequence of my third branch by putting the "appeal dismissed as duplicative" BEFORE my "petition for mandamus relief". There is no reason for it to have done this, except to give prominence to the inference created by the word "duplicative".

The source of the phraseology "an appeal dismissed as duplicative" is the Court's October 14, 2004 order (per Glickman, Washington, Nebeker), which *sua sponte* dismissed my "Emergency Appeal" as "unnecessarily duplicative of appeal no. 04-CM-760". This, after "construe[ing]" the "Emergency Appeal" "as a D.C. App. R. 9(b) motion for release", which it denied on the bald claim that I had "failed to show reversible error under D.C. Code §23-1325(c)(2001)".

No fair and impartial tribunal could have rendered the October 14, 2004 order – as is obvious from the record under #04-CO-1239, which this panel's July 14 2004 order excludes.

My fully-perfected "Emergency Appeal" under #04-CO-1239 could not be "duplicative" of an appeal not-yet perfected – indeed, one coming to the Court only now. Nor could it be "duplicative" because the sole issue presented by my "Emergency Appeal" was whether my serving my full six-month sentence would moot my appellate issues relating to the legality of that sentence. This was a threshold issue upon which my subsequent appellate rights would depend. Indeed, its significance was recognized by the U.S. Attorney, who expressly did not oppose my "Emergency Appeal" for release to preclude mootness, just as, prior thereto, he had expressly not opposed my September 23, 2004 "emergency motion" for "release to preclude mootness" – release which had been denied by this Court's September 23, 2004 order (per Terry, Farrell, Reid), without prejudice to my "refiling in the Superior Court". The October 14, 2004 order gave no answer to the mootness issue, which "the Superior Court" had not addressed" – and it altogether concealed that this was what was before the Court.

The October 14, 2004 order concealed ALL the facts, law, and legal argument which my "Emergency Appeal" had presented. Indeed, as to its "construe[ing] my "Emergency Appeal" as "a D.C. App. R. 9(b) motion for release", my appeal expressly sought release under Rule 9, annexing this Court's form 6. Such application met the standards of D.C. Code §23-1325(c), which, contrary to the October 14, 2004 order, does NOT require a showing of "reversible error". D.C. §23-1325(c) requires only "clear and convincing evidence that...the appeal...raises a substantial question of law or fact likely to

result in a reversal or an order for a new trial" – as to which the "judicial officer" is required to make findings.

Examination of my "Emergency Appeal" shows that it presented "clear and convincing evidence" that my subsequent appeal would raise "a substantial question of law" with respect to the six month sentence upon which reversal was likely – and that this was the true reason the U.S. Attorney's October 8, 2004 response did not interpose any law or argument in opposition. Moreover, by the then existing record under #04-CM-760, I had demonstrated "reversible error", both as to the sentence and the conviction – and this by evidence that was not only "clear and convincing", but uncontroverted and incontrovertible – requiring my immediate release.

As to the record under #04-CM-760, it then consisted, in largest part, of my July-August 2004 motion for reargument, renewal, and reconsideration of this Court's July 7, 2004 order (per Steadman, Reid, Nebeker), which had denied me release pending appeal, without reasons. My reconsideration motion had, therefore, highlighted that D.C. Code §23-1325(c) requires findings, which Judge Holeman had not made – and which this Court was required to make, including pursuant to D.C. Code §23-1325(d). I asserted, and by a particularized demonstration showed, that I met the standards for release under all applicable provisions – and presented, additionally, an application pursuant to Rule 9.

As the panel adjudicating the October 14, 2004 order could see from the record under #04-CM-760, my reconsideration motion had been denied by this Court's September 16, 2004 order (per Terry, Reid, Newman), which made no findings pursuant to D.C. Code §23-1325(c) or any other applicable provisions and not even a bald claim that I had not met requisite standards for release pending appeal. Rather, the September 16, 2004 order simply concealed that the reconsideration it was denying was for my release from incarceration.

By contrast, the panel's July 14, 2005 order offers no inference of a reason for its exclusion of "materials from...[my] petition for mandamus relief" – nor any corresponding information about its denial. My April 6, 2004 petition and its accompanying motion for a stay were denied by this Court's April 8, 2004 order (per Farrell, Glickman, Nebeker), which no fair an impartial tribunal could have rendered -- as is obvious from the record under #04-OA-17, which this panel's July 14 2004 order excludes.

A line-by-line analysis of the April 8, 2004 order was presented by pages 28-36 of my handwritten July-August 2004 motion for reconsideration of the July 7, 2004 order. It demonstrated that the April 8, 2004 order was completely fraudulent – concealing ALL the facts, law, and legal argument presented by my mandamus petition and its accompanying motion and materially concealing and misrepresenting their requested relief.

The U.S. Attorney did not deny or dispute the accuracy of this analysis in any respect. Nor was its accuracy denied or disputed by the Court's September 16, 2004 order (per Terry, Reid, Newman), which concealed the analysis' very existence in denying me reconsideration with the bald claim:

> "Appellant continues to rely upon the arguments made in her petition for writ of mandamus, no 04-OA-17. However, this court has considered and rejected those arguments on two occasions; first, in its order denying

12. Finally, the July 14, 2005 order entirely omits the fourth branch of my motion, which it does NOT adjudicate. This fourth branch was for a court conference, pursuant to this Court's Rule 14 – and its stated purpose was to address any or all of my motion's first three branches "or such other matters as 'may aid in resolving the appeal'".

13. Plainly, the panel's failure to give reasons for the dispositions in its July 14, 2005 order, its failure to identify any of the reasons presented by my motion as entitling me to relief, and its failure to accurately identify the motion's actual relief requested reinforce the importance of the granting of my as-yet unadjudicated fourth-branch conference request.

14. Should the panel adhere to its denials of my motion's first three branches, a conference would serve the critical function of addressing the procedural obstacles resulting therefrom. For example, in lieu of the many pages in the "Argument" section of

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> mandamus relief, and second, in its order denying appellant's motion for release pending appeal. On its third iteration they remain, insufficient and unpersuasive."

Apart from the fact that my entitlement to reconsideration and release rested on grounds over and beyond "the arguments made in [my] petition for mandamus relief", the September 16, 2004 order did not identify a single one of these "arguments". Nor were these "arguments" identified by the referred-to, but unidentified, two prior orders -- the July 7, 2004 order which had denied me release pending appeal, without reasons, and the April 8, 2004 order, whose fraudulence was exposed by my uncontested analysis.

"[T]he arguments made in [my] petition for mandamus relief" are, quite obviously, in that petition, docketed under #04-OA-17 and excluded by this panel's July 14, 2005 order. The foremost of these "arguments": the sufficiency of my February 23, 2004 and March 22, 2004 pretrial motions for Judge Holeman's disqualification, *as a matter of law*, divesting him of authority to "proceed...further", under this jurisdiction's mandatory disqualification rule, Rule 63-I – as to which this Court had recognized *Liteky* as the "governing standard[]".

my brief devoted to establishing the factual baselessness of Judge Holeman's rulings[3], an agreement might be reached that the Court would accept a stipulation from the U.S. Attorney with respect thereto. A conference would also be an opportunity for the U.S. Attorney to articulate his own position as to the specificity required for establishing pervasive actual bias meeting the "impossibility of fair judgment" standard of *Liteky*, in the absence of the Court's ruling or "advisory opinion" on the subject – and, based thereon, to stipulate to waive objection to my condensed brief based on lack of specificity.

15. Of course, and as set forth at ¶3 of my motion, there is a threshold issue "appropriately explored through a conference". It is whether – based on my June 28, 2005 brief and accompanying supplemental fact statement -- the U.S. Attorney has

> "any grounds on which to oppose the appeal and, if not, the U.S. Attorney's obligation to join in it and to take such other steps as are appropriate with respect to the documented facts in the record and the black-letter law pertaining thereto."

16. Assistant U.S. Attorney Fisher has had a month to read my brief and supplemental fact statement and to verify their factual accuracy from my three-volume appendix, from the U.S. Attorney's own files, and from the Assistant U.S. Attorneys who handled the case. A conference is the ideal forum for him to report his findings. Indeed, based on his review, a conference might explore the U.S. Attorney's obligation to "donate" to me the 50 pages of his appellee's brief to which Rule 32(a)(6) entitles him. This, so that the Court will have before it the facts and law, as appropriately specified, establishing Judge Holeman's pervasive actual bias meeting the "impossibility of fair judgment" standard of *Liteky*.

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[3] The only way to expose a lie is by presenting the true facts – a slow, time-consuming process. *Cf.* "A lie is halfway around the world, while the truth is still getting its boots on".

90-DAY EXTENSION FROM THE DATE OF THE COURT'S ORDER HEREIN FOR FILING MY APPELLANT'S BRIEF TO PERMIT ME TO OBTAIN THE ASSISTANCE OF LAWYERS AND PROFESSIONAL WRITERS

17. I am at a complete loss to understand how I am to meet my burden of establishing my first appellate issue of Judge Holeman's pervasive actual bias – other than how I have presented it by the brief which is the subject of my June 28, 2005 procedural motion. Had I been able to fashion a shorter presentation from the pretrial, trial, and post-trial record and the requirements of specificity as I understand them, I would have done so. I was unable to then – and I am unable now.

18. As the panel has given me no guidance as to the requisite specificity for establishing pervasive actual bias under the "impossibility of fair judgment" standard of *Liteky* and no allocation of additional pages for condensing my 98-page first issue into approximately 30 pages – a feat I am not able to accomplish, period – let alone in 30 days -- I will require the assistance of lawyers and professional writers for such sharply abridged presentation. I, therefore, request 90 days from the date of the Court's order on this motion to file my revised brief in the event the panel does not grant either part of the first-branch relief of my June 28, 2005 motion or its fourth-branch request for a conference.

19. As hereinabove stated at ¶8 – and more fully set forth at ¶3 of my June 28, 2005 motion -- U.S. Attorney Fisher had not only consented to, but suggested, that I frame my extension request as running from the date of the Court's order – deeming three months so reasonable under the circumstances that he did not wish me to be shortchanged.

REFERRAL OF THIS RECONSIDERATION MOTION TO THE *EN BANC* COURT FOR ITS ADJUDICATION IN CONJUNCTION WITH ITS DETERMINATION AS TO *EN BANC* HEARING OF THE APPEALS

20. As stated at ¶4 of my June 28, 2005 motion – without dispute from the U.S. Attorney – the issues presented by my brief are "far-reaching and substantive", giving the Court "the opportunity, if not the obligation, to make law". These issues are particularized at ¶¶5-8 – again without dispute from the U.S. Attorney.

21. Any one of these issues – and assuredly the first – present "questions of exceptional importance", for which *en banc* hearing of these consolidated appeals would be appropriate pursuant to Rule 35.

22. Pursuant to Rule 35(b), I may bring a petition for hearing *en banc*, prefaced with a statement that "the proceeding involves one or more questions of exceptional importance, each of which must be concisely stated." It is my intention to promptly do so, resting on the recitation of ¶¶4-8 of my June 28, 2005 motion, which I believe sufficient for such purpose.

23. As the *en banc* Court should have the benefit of my unexpurgated brief for purposes of determining whether to hear the appeals *en banc*, it is appropriate that the panel refer this reconsideration motion for the Court's *en banc* adjudication, in conjunction with its determination as to hearing the appeals *en banc*. Rule 35(a) and (g) would seem to allow the panel to ***sua sponte*** initiate *en banc* consideration, without my filing a petition for such relief – and I have confirmed this with Court staff. To facilitate such ***en banc*** referral, which I hereby expressly request, I am supplying the Court with an original and 10 copies of this motion, plus an additional seven copies of my underlying June 28, 2005 procedural motion.

DISQUALIFICATION OF THE THREE-JUDGE PANEL FOR ACTUAL BIAS AND INTEREST, PURSUANT TO CANON 3E OF THE CODE OF JUDICIAL CONDUCT FOR THE DISTRICT OF COLUMBIA COURTS, VACATUR OF ITS JULY 14, 2005 ORDER, AND, FAILING THAT, DISCLOSURE PURSUANT TO CANON 3F

24. This motion provides ample fact-specific, record-based evidence that the three-judge panel herein was not fair and impartial. Under such circumstances, and absent reasoned adjudications of the four actual branches of my June 25, 2005 procedural motion, the panel is duty-bound to disqualify itself for actual bias and interest, pursuant to Canon 3E of the Code of Judicial Conduct for the District of Columbia Courts and to vacate its July 14, 2005 order by reason thereof.

25. Failing that, the panel's mandatory obligation, pursuant to Canon 3F of the Code of Judicial Conduct for the District of Columbia Courts, is to make disclosure. This would include, as to Judge Reid, the disclosure *expressly* requested by the fourth branch of my motion for reconsideration of the Court's July 7, 2004 order under #04-CM-760 -- which, with her participation, denied me release from incarceration, without reasons. Such disclosure, particularized at pages 37-39 of that handwritten August 2004 reconsideration motion, was not made by Judge Reid – or even revealed – when she thereafter participated in the Court's September 16, 2004 order denying the motion – and keeping me incarcerated[4]. It would also include, as to Judge Glickman, the disclosure *expressly* requested at pages 8-9 of my motion for a stay that accompanied my April 6, 2004 mandamus/prohibition/certiorari petition under #04-OA-17 – disclosure which he and his fellow panel members failed to make – or even reveal -- by their April 8, 2004 order

[4] The September 16, 2004 order also did not make – or reveal – the disclosure *expressly* requested by ¶¶31-37 of my August 12, 2004 background affidavit, including as to this Court's July 29, 2004 order (per Terry, Steadman, King), or the disclosure *expressly* requested by ¶¶35-36 of my August 24, 2004 motion for a procedural order.

denying me all relief and forcing me to proceed to trial before the pervasively biased Judge Holeman, against whom I had made two legally sufficient disqualification motions.

ELENA RUTH SASSOWER

Sworn to before me this
28th day of July 2005

Notary Public

ALDITH C. WATSON
Notary Public, State of New York
No. 60-4803451
Qualified in Westchester County
Commission Expires Jan. 31, 2007

Elena Ruth Sassower

ELENA RUTH SASSOWER

Sworn to before me this
4th day of August 2005

Notary Public

ELIZABETH STERKEN
Notary Public, State of New York
No. 4983687
Residing in Orange County
Commission Expires July 8, 2007

CERTIFICATE OF SERVICE

I certify that I have served a copy of my final superseding July 28, 2005 motion for reconsideration & other relief, including *en banc* review, & disqualification of/disclosure by the three-judge panel, upon Assistant U.S. Attorney John R. Fisher, Chief of the Appellate Division of the U.S. Attorney's Office for the District of Columbia, by first class mail at 555 Fourth Street, N.W., Washington, D.C. 20530, on the 4th day of August 2005.

Additionally, on the 3rd day of August 2005, I faxed the motion to him at 202-514-8779 – and my fax receipt is attached, along with my transmittal letter.

ELENA RUTH SASSOWER
Appellant *Pro Se*

TRANSMISSION VERIFICATION REPORT

TIME : 08/03/2005 17:51
NAME : CJA
FAX : 9144284994
TEL : 9144211200

DATE,TIME	08/03 17:42
FAX NO./NAME	12025148779
DURATION	00:08:51
PAGE(S)	19
RESULT	OK
MODE	STANDARD ECM

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

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

BY FAX: 202-514-8779 (19 pages)
BY MAIL:

August 3, 2005

Assistant U.S. Attorney John R. Fisher, Chief, Appellate Division
U.S. Attorney's Office for the District of Columbia
555 Fourth Street, N.W.
Washington, D.C. 20530

RE: *Elena Ruth Sassower v. United States of America*
#04-CM-760 & #04-CO-1600 ("Disruption of Congress" case)

Dear Mr. Fisher,

Enclosed is my August 4, 2005 petition for en banc review of my consolidated appeals pursuant to Rule 35(b), disqualification & disclosure.

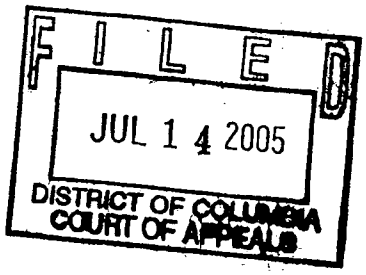
Also enclosed is my final superseding July 28, 2005 motion for reconsideration & other relief, including *en banc* review, & disqualification of/disclosure by the three-judge panel. It substantively changes footnote 2 and paragraph 25 only. Again, apologies for the inconvenience.

ELENA RUTH SASSOWER
Appellant *Pro Se*

Enclosures

cc: D.C. Court of Appeals

District of Columbia
Court of Appeals



Nos. 04-CM-760 & 04-CO-1600

ELENA RUTH SASSOWER,

Appellant,

v.

M4113-03

UNITED STATES,

Appellee.

BEFORE: Reid and Glickman, Associate Judges, and Pryor, Senior Judge.

ORDER

On consideration of the appellant's lodged brief and "supplemental fact statement," and appellant's miscellaneous motion which seeks: 1) leave to exceed the page limits for her lodged brief; 2) a 90 day extension with directions on how to address a given legal standard in the event the motion to exceed is denied; 3) to supplement the record with materials from an appeal dismissed as duplicative, materials from a previously filed petition for mandamus relief, and materials which the trial court refused to admit below, it is

ORDERED that appellant's motion for leave to exceed the page limits is denied and the Clerk shall strike appellant's lodged brief and improper "supplemental fact statement." It is

FURTHER ORDERED that appellant's motion for 90 day extension and advisory opinion is denied. It is

FURTHER ORDERED that appellant's motion to supplement is denied. It is

FURTHER ORDERED that appellant shall submit a brief which conforms to the rules of this court within 30 days from the date of this order. *See* D.C. App. R. 32. It is

FURTHER ORDERED that appellee shall file its brief within 30 days thereafter and appellant her reply, if any, within 21 days after the filing of appellee's brief.

PER CURIAM

Copies to:

Ms. Elena R. Sassower
16 Lake Street, Apt. 2C
White Plains, NY 10603

John R. Fisher, Esq.
Assistant United States Attorney

dpt

Ex "A"