

CENTER for
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BY HAND

July 11, 1994

Office of the District Attorney
Kings County
Corruption Investigation Division
Municipal Building
Brooklyn, New York 11201

ATT: Frank Laghezza, Senior Attorney

RE: Criminal Complaint

Dear Mr. Laghezza:

Transmitted herewith is a copy of the files under A.D. #90-00315, described in our April 27, 1994 complaint to your office as "prima facie, if not conclusive, evidence" that Justices of the Appellate Division, Second Department--based in Brooklyn--have violated the law and their oaths of office by engaging in "an on-going criminal conspiracy" to manipulate the disciplinary mechanism--which they control--to retaliate against my mother for whistle-blowing on judicial corruption.

These files are organized and indexed to permit you to verify--readily--that the 19 orders set forth as Exhibit "D" to my mother's Jurisdictional Statement to the Court of Appeals in her Article 78 proceeding, Sassower v. Hon. Guy Mangano, et al., are, as described by ¶7 of that Statement, "jurisdictionally void...[and] otherwise factually and legally unfounded".

As you know, we have turned to the Corruption Investigation Division because Attorney General G. Oliver Koppell, whose office provided free legal defense to the Second Department and its at-will appointees in Sassower v. Mangano, has failed and refused to investigate the fraudulent and criminal conduct of his clients and the perjurious filings of his staff--of which we made him personally aware--and, in furtherance of their criminal collusion, has blocked review by the Court of Appeals of the Second Department's perversion of the Article 78 remedy.

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Indeed, notwithstanding our strenuous efforts to obtain review of the files under A.D. #90-00315 by Attorney General Koppell--as documented by my mother's extensive correspondence with him¹--it appears evident that no review was undertaken by his office. That fact is discussed in my June 17, 1994 letter to Mr. Koppell's counsel, wherein I reported that the files returned to us by the Attorney General's office did "not appear to have been 'touched by human hands'...They are "completely UNCREASED". A copy of my uncontroverted June 17, 1994 letter is enclosed for your review.

The instant transmittal to you is an exact duplicate of what we previously supplied to Attorney General Koppell, under a March 8, 1994 coverletter². As reflected by that letter, the files have been color coded:

RED Folders contain ex parte Orders of the Appellate Division, Second Department.

BLUE folders contain Orders relating to the wholly without jurisdiction June 14, 1991 "interim" suspension.

GREEN folders contain Orders relating to the initiation and prosecution of new jurisdictionally-void proceedings against my mother--even while she is still suspended and has never had a hearing as to the basis for such suspension.

We are also transmitting to you--much as we earlier provided to Attorney General Koppell--an Inventory of documents contained in each file folder, annotated with pertinent information and cross-references to facilitate your verification of the facts.

May I specifically draw your attention to my mother's dispositive November 19, 1993 dismissal/summary judgment motion, enclosed herewith, since it will give you a comprehensive understanding of the threshold jurisdictional issues relative to disciplinary proceedings, as well as document the Second Department's actual knowledge that the disciplinary proceedings it has authorized against my mother are contrary to law and factually baseless.

¹ Seven letters of that correspondence are annexed to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals in support of its jurisdiction of Sassower v. Mangano.

² Said coverletter is annexed as Supplemental Exhibit "7" to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals.

A copy of the November 19, 1993 dismissal/summary judgment motion was provided to Attorney General Koppell a month prior to our transmission of the file to him, under a February 6, 1994 coverletter³. As discussed in that letter--which I respectfully request that you re-read--the Second Department's vicious January 28, 1994 decision denying that motion demonstrates--unequivocally--that its granting in Sassower v. Mangano of the perjurious dismissal motion of the Attorney General based on a supposed remedy in the underlying disciplinary proceeding, "was and is an outright lie".

So that you can personally verify the perjuriousness of the Attorney General's submissions in the Article 78 proceeding, on behalf of the Second Department, I enclose the full set of papers that were before the Second Department when it rendered its demonstrably fraudulent September 20, 1993 dismissal of Sassower v. Mangano.

As set forth at page 13 of Mr. Schwartz' March 14, 1994 letter to the Court of Appeals:

"The extent of such dishonesty by the Attorney General's Office before the Appellate Division [in Brooklyn] can only be appreciated by reviewing Appellant's papers in support of the Article 78 proceeding. See Appellant's Cross-Motion, ¶¶17-61; Appellant's Affid in Furth Opp to Resps' Dismissal Mot and in Further Supp of Cross Mot ¶¶2-4, 12-19, 22-26, 29-30; Mem of Law, Pts II, III, VI and VII."

The penal consequences of the Attorney General's perjurious filings were pointed out to the Attorney General not only in my mother's March 10, 1994 letter to him⁴, but reiterated, with additional citations, at footnote 12 of Mr. Schwartz' March 14, 1994 letter to the Court of Appeals. (Penal Law §§ 210.05, 210.10, 210.35, 210.40, 170.30, 175.35.)

³ That letter is annexed as Supplemental Exhibit "4" to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals.

⁴ That letter is annexed as Supplemental Exhibit "8" to Mr. Schwartz' March 14, 1994 letter to the Court of Appeals.

In view of the aforesaid applicable penal references, I request that the instant complaint be expanded to encompass: (1) prosecution of the Attorney General's Office for their filings of false and perjurious instruments in the Appellate Division in Brooklyn in connection with their representation of the respondents in the Article 78 proceeding; and (2) prosecution of Gary Casella, Chief Counsel for the Grievance Committee for the Ninth Judicial District, whose repeated fraudulent and perjurious representations in his court submissions, filed in Brooklyn, are documented, over and over again, by the record under A.D. #90-00315.

Lastly, I enclose a background chronology of events preceding the Second Department's June 14, 1991 "interim" suspension of my mother's license--including a recitation of pertinent political events prior thereto: the appointment to the bench of Samuel Fredman, former Chairman of the Westchester Democratic County Committee, the three-year judge-trading Deal, and the politically-sensitive Election Law case of Castracan v. Colavita, handled pro bono by my mother until she was served with the June 14, 1991 suspension Order--the day before the last day to file the Notice of Appeal in Castracan v. Colavita with the Court of Appeals.

Should you wish to review documents substantiating the chronology, we would--of course--be more than pleased to supply them. For present purposes, I have annexed the following exhibits to the chronology: (A) a copy of the three-year Deal; (B) comments about the Deal by Justices of the Second Department and by Judge Richard Simon of the Court of Appeals; (C) uncontroverted proof of the fraud committed by Justice Fredman on July 10, 1989; (D) 22 N.Y.C.R.R. §§691.4(e) through (l); (E) the three-eye witness affidavits which supported the Petition in Castracan, relative to the violations of the Election Law at the 1989 and 1990 Judicial Nominating Conventions; (F) 22 N.Y.C.R.R. §691.13; and (G) Matter of Nuey; Matter of Russakoff.

You will also note that the chronology describes the critical fraudulent acts, without which the Second Department and Mr. Casella could not have accomplished my mother's suspension. These include: (A) the Second Department's October 18, 1990 Order, which deliberately falsified the facts by stating that there was an "underlying proceeding" (§54 of Chronology); and (B) Mr. Casella's deliberate falsification in his January 25, 1991 Order to Show Cause that the February 6, 1990 Petition was the "underlying" proceeding thereto (§62-3 of Chronology).

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I do not believe that a grand jury will have any difficulty in following the extraordinary "paper trail" of corruption and conspiracy established by the files under A.D. #90-00315 and the Article 78 proceeding based thereon under A.D. #93-02925. That trail--quite apart from the controlling law in Matter of Nuey and Matter of Russakoff--clearly and unambiguously shows the deliberateness with which Justices of the Second Department and their at-will appointees have misused their disciplinary powers to cover-up judicial corruption and destroy a lawyer who sought to expose it--aided and abetted by this State's Attorney General.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability

Enclosures:

- (1) copy of disciplinary files under A.D. #90-00315, as hand-delivered to the Office of Attorney General Koppell on 3/8/94, with Inventory
- (2) copy of 11/19/93 dismissal/summary judgment motion, as hand-delivered to the Office of Attorney General Koppell on 2/6/94;
- (3) record in Sassower v. Mangano, A.D. #93-02925, before the Appellate Division, Second Department
- (4) my 6/17/94 letter to Counsel to Attorney General Koppell
- (5) Chronology to 6/14/91, with exhibits