

July 7, 1986

Gerald Stern, Esq.
Commission on Judicial Conduct
801 Second Avenue,
New York, New York, 10017

Re: Presiding Justice FRANCIS T. MURPHY
Chief Admin. Judge JOSEPH W. BELLACOSA
Admin. Judge XAVIER C. RICCOBONO

Dear Mr. Stern,

1. There is one aspect of the judicial-official corruption involving PUCCINI CLOTHES, LTD. ["Puccini"], which I believe particularly egregious, which I will briefly summarize:

2a. Senior Attorney, DAVIS S. COOK, Esq., was and is essentially a one-man unit in the Attorney General's Office, at 2 World Trade Center, New York City, charged with vouchsafing the interests of involuntarily dissolved corporations, including Puccini.

b. The law places upon the Attorney General various discretionary and mandatory powers and obligations (e.g. Business Corporation Law §1214, §1216).

c. Almost invariably, non-indemnifiable losses and expenditures, can only occur through the actions of the judiciary and/or their appointees!

3a. When, in January 1984, I had the "hard evidence" of the larceny of Puccini's trust assets; was not permitted to intervene, on my own behalf, or on behalf of my client, HYMAN RAFFE; and had incriminating evidence of improper judicial involvement; I communicated with the Attorney General.

b. It was Mr. Cook who responded, and since his legal obligations and my own were completely parallel, there was over the months that followed, a complete exchange of information, a great deal of which I considered confidential.

c. Significantly, my right, if not my obligation, to communicate with the Attorney General's Office, had constitutional protection (Amend. I, U.S. Constitution; Article 1, §9, N.Y.S. Constitution; California Motor v. Trucking Unlimited, 404 U.S. 508, 513).

4a. It takes a vivid and base imagination to conceive that when the above were charged, or made actual defendants or respondents, that of all of the attorneys available, even if the group of available attorneys were limited to the Attorney General's Office, that it would be Mr. Cook who would be selected, commandeered, and/or dragooned to represent the above and the judicial thrall.

b. Obviously, Mr. Cook carried with him, on such judicial representation of the above, all the confidential information that I, and perhaps other, imparted to him on behalf of Puccini.

c. It was not only a switch of representation by Mr. Cook to his new clients, but a simultaneous representation by Mr. Cook, wherein he betrayed Puccini, the helpless judicial eunuch, in favor of the above!

5. A few examples of the severe and dramatic prejudice caused by such simultaneous representation are herein set forth:

a. The law imposes, as a mandatory "duty", upon the Attorney General, to make application for an accounting and distribution after eighteen (18) months have elapsed (Business Corporation Law §1216[a]). But as the attorney for Administrative Judge XAVIER C. RICCOBONO, Mr. Cook does not make such application, and indeed opposes same when such application is made as an absolute right by the undersigned!

Consequently, it is now more than seventy-three (73) months since Puccini was involuntarily dissolved, and still no accounting, although the larceny of Puccini's judicial trust assets is documented and undisputed!

b. The law seems clear that there is no judicial immunity for, inter alia, non-discretionary actions (Tango v. Tulevich, 61 N.Y.2d 34, 40-41, 471 N.Y.S.2d 73, 76-77). When I, on behalf of Puccini, commenced an action against Mr. Justice DAVID B. SAXE for his blatantly violation of the mandatory, non-discretionary, provisions of 22 NYCRR §660.24[f], it was Mr. Cook who was selected to represent Mr. Justice DAVID B. SAXE in this suit brought for the benefit of Puccini.

Mr. Cook, was selected by the above to represent Mr. Justice Saxe, while simultaneously representing Puccini on behalf of the Attorney General!

Mr. Justice Saxe was the original, and most suspect jurist, when the undersigned first communicated with the Attorney General's Office in January 1983, and it was about Mr. Justice Saxe that the undersigned made his most formidable, and confidential, presentation to Mr. Cook.

The undersigned was not therefore surprised, when thereafter, he was convicted, sentenced, and incarcerated by Mr. Justice Saxe, without a trial, the mandatory constitutional prohibitions to the contrary notwithstanding!

c. In every action or proceeding wherein the above are defendants or respondents, for their alleged non-immune conduct, contrary to Puccini's interests, they are represented by Mr. Cook, except where Mr. Cook is also a defendant or respondent.

When Mr. Cook is a defendant or respondent, the attorney of record is Assistant Attorney General Jeffrey I. Slonim, Esq., but Mr. Cook is always present at judicial appearances openly giving Mr. Slonim instructions on behalf of the above!

6. While there are other acts of misconduct which I believe within your bailiwick, they are not mentioned herein, since I do not desire to dilute this particular aspect, which I believe reaches "rock bottom" on everyone's ethical scale!

7a. The above have been given every opportunity to "clean their own house", but instead, the situation simply deteriorates further!

b. Thus, for example, on Martin Luther's Birthday, in November 1984, in a Brief to the Appellate Division, I repeated the words of Oliver Cromwell to the Long Parliament, which I now herein again reiterate, as appropriate:

"You have sat too long here for any good you have been doing.
Depart, I say, and let us have done with you. In the name of God, go!"

8a. There is nothing contained herein which is not already within the public domain, in the form of filed judicial papers, and therefore I deal with this matter only in a quasi-confidential manner.

b. You may have, upon mere request, any further information or documents that you may believe necessary, except for sources of confidential information or information wherein the confidential source can be determined.

9. Since the above have made every attempt to impair my First Amendment right to "petition government to redress my grievances", in their control of "access to the courts", I am, and intend to, resort to the other cognative rights contained in such amendment, by employing, inter alia, the media as my forum for redress!

Respectfully,

GEORGE SASSOWER, Esq.
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GS/bh

cc: Presiding Justice Francis T. Murphy
Chief Administrative Judge Joseph W. Bellacosa
Administrative Judge Xavier C. Riccobono
Justice Presiding Theodore R. Kupferman
Attorney General Robert Abrams
Senior Attorney, David S. Cook, Esq.
Hon. Milton Mollen