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April 13, 1994

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

Re: Associate Justice JOSEPH P. SULLIVAN
Appellate Division: First Department

Dear Mr. Stern,

1a. This complaint against Mr. Justice JOSEPH P. SULLIVAN ["Sullivan"] is bottomed on His Honor's failure to: (a) exercise his mandatory administrative and citizen's obligation to remedy "extortion" payments made and being made by HYMAN RAFFE ["Raffe"], which now "exceeds \$2,000,000"; and (b) the failure to file disciplinary charges against, inter alia, DONALD F. SCHNEIDER, Esq. ["Schneider"].

b. Although I have no direct evidence that Mr. Justice Sullivan, on or about July 2, 1985, had specific knowledge that there was an intent to "extort" substantial monies from Raffe to avoid incarceration under a conviction for non-summary criminal contempt, His Honor knew that there was an intention to "extort".

2. Although I limit this complaint against Mr. Justice Sullivan on the aforementioned issues, your Commission obviously is at liberty to find other acts of misconduct as a legitimate basis for sanctions and/or make its own reference to the DEPARTMENTAL DISCIPLINARY COMMITTEE ["DDC"].

3a. There was presented to Mr. Justice Sullivan a stay application, dated July 2, 1985, on behalf of (a) myself, (b) SAM POLUR, Esq. ["Polur"] and (c) Raffe, against Mr. Justice ALVIN F. KLEIN ["Klein"] and Mr. Justice DAVID B. SAXE ["Saxe"].

b. Mr. Justice Saxe had convicted me of non-summary criminal contempt, imposed a fine and sentenced me to be incarcerated for 10 days.

c. Mr. Justice Klein, in one document, had convicted all three, fined each of us, and sentenced each of us to be incarcerated for 30 days.

d. Each of the aforementioned convictions for non-summary criminal contempt were rendered without a trial, without the opportunity for a trial, without any confrontation rights, in absentia, without due process, without the right of allocution, without any live testimony in support thereof, and without any constitutional or legal waiver of the aforementioned rights.

4. However, the basis of the application before Mr. Justice Sullivan, was for a Writ of Prohibition etc., requesting a hearing on the issue of equal protection of the laws, staying incarceration pending same, and a stay of incarceration because of the "double jeopardy" prohibition.

5a. In a complaint dated May 15, 1985, Mr. Justice Sullivan was a named party defendant (Puccini Clothes, Ltd. v. Francis T. Murphy et al., SDNY-85Civ.3712 [WCC]).

b. In another complaint dated May 22, 1985, Mr. Justice Sullivan was also a named party defendant (Hyman Raffé, George Sassower, Sam Polur, et al., v. Xavier C. Riccobono, et al., SDNY 85Civ3927 [WCC]).

c. Thus, Mr. Justice Sullivan, on July 2, 1985, actually knew of the larceny of the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"], and the criminal activity of, inter alia, KREINDLER & RELKIN, P.C. ["K&R"] and FELTMAN, KARESH & MAJOR, Esqs. ["FK&M"], thereafter FELTMAN, KARESH & MAJOR & FARBMAN, Esqs. ["FKM&F"], including the corruption of jurists and officials.

d. In my view, Mr. Justice Sullivan was, at that time, bound to act, which included reporting the K&R-FK&M activities to the DDC.

5a. During the stay application proceedings, and to induce Mr. Justice Sullivan to deny same, particularly as to Polur, Schneider advised His Honor, that he had been informed by HOWARD M. BERGSON, Esq. ["Bergson"], that while Raffé was willing to finance the Puccini litigation, that he would succumb if faced with a term of incarceration.

b. Schneider made it clear to Mr. Justice Sullivan that the only way they could compel Raffé, a man then over 70, to succumb was to have his attorneys of record, to wit., myself and Polur simultaneously incarcerated, while they negotiated with Raffé.

6a. Mr. Justice MARTIN EVANS ["Evans"], after a massive, two year long, submission had by Order entered January 4, 1985, failed to find either Raffé or myself guilty of non-summary criminal contempt, triggering "double jeopardy" prohibitions, as Mr. Justice Sullivan was aware from the stay application.

b. Polur, who had served a summons on Schneider on April 1, 1985, which was admitted, was not adjudicated guilty by Mr. Justice Saxe, triggering a "double jeopardy" prohibition in his favor for similar conduct, as Mr. Justice Sullivan was also aware.

c. However, for a similar summons, which Polur did not serve on April 10, 1985, or any other time, on Schneider, Mr. Justice Klein found Polur guilty of non-summary criminal contempt.

7a. The Murphy-Riccobono scheme, as expressed in the Order of Mr. Justice Klein was obvious. Incarcerate both Polur and myself, and compel Raffé to succumb in the absence of his incarcerated attorneys.

b. Any doubt on the subject was placed at rest, as I articulated this depraved and demented scheme before Mr. Justice Sullivan.

c(1) Mr. Justice Sullivan was also aware, for I articulated same, that Polur never served the summons on April 10, 1985 on Schneider, nor was there any reason for my request that he do so.

(2) On April 1, 1985, Polur served the summons in the FK&M offices, because I had to remain in the vehicle being driven.

(3) On April 10, 1985, which was served in a courtroom I, not being a party to the action, was legally able to serve the summons on Schneider without any assistance from Polur, who was not even in the immediate scene at the time.

8. Mr. Justice Sullivan, in his own way, made it eminently clear that Presiding Justice Murphy desired that we both be incarcerated, and consequently His Honor denied the stay.

9a. Now, nine years after Polur was incarcerated by reason of a perjurious affidavit by Schneider, and based upon such trialess incarceration, he has been suspended (Departmental Disciplinary Committee v. Polur, 173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]), for an act never committed by him.

b. Now, nine years later, "more than \$2,000,000" has been "extorted" from Raffe in favor of FK&M and K&R to avoid incarceration under a criminal conviction.

10a. I submit, at a minimum, Mr. Justice Sullivan is obligated to file a complaint against Schneider with the DDC and take some action to divest K&R-FK&M of their booty, including the monies "extorted" from Raffe.

b. I entertain little doubt that if Mr. Justice Sullivan's actions were committed by a town or village jurist, he would be removed from office by your Commission, with dispatch.

Most Respectfully,
GEORGE SASSOWER

cc: Mr. Justice Joseph P. Sullivan