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April 11, 1994

Ms. Janice Howard
Ethics Commission of the
Unified Court System
270 Broadway,
Room 1108
New York, NY 10007

Dear Ms. Howard:

In summary fashion, I bring to your Commission's attention, several levels of egregious unethical conduct of a criminal magnitude by, inter alia, the highest level members of the Unified Court System ("UCS"), to wit., Chairperson Judith S. Kaye and Chief Administrative Judge E. Leo Milonas.

Authenticity for the statements contained herein, and their uncontrovertible documentary support, is provided by my simultaneously mailing a copy to Inspector General William J. Gallagher, of the Office of Court Administration, who is familiar with these fully documented statements, although he himself is here also made subject of charges of misconduct.

To the extent that some of these matters contained herein may not within the provence of your Commission, it is authorized to forward copies of this communication to the proper authorities, prosecutorial and otherwise.

1a. A corporation, involuntarily dissolved, remains a "person" within the meaning of Amendments V and XIV of the U.S. Constitution, its assets are custodia legis, held under "color of law", within the meaning of 42 U.S.C. §1983.

However, there are high echelon members of UCS, including Presiding Justice Francis T. Murphy, Associate Justice William C. Thompson and Administrative Judge Xavier C. Riccobono, who believe that judicial trust assets is meant to satisfy their own and/or their cronies insatiable monetary appetites.

b. Puccini Clothes, Ltd. ["Puccini"] was involuntarily dissolved on June 4, 1980, and although an accounting must be filed "at least once a year" (22 NYCRR §202.52[e]), in the almost 14 years that have elapsed, not a single accounting has been filed.

All of Puccini's judicial trust assets were made the subject of larceny engineered by Kreindler & Relkin, P.C. ["K&R"] and Citibank, N.A. ["Citibank"], most of it employed to bribe and corrupt, not leaving anything for any of its legitimate creditors, including the undersigned.

Including in such bribery was the approximate sum of \$700,000 given to the law firm of the court-appointed receiver, Feltman, Karesh, Major & Farbman, Esqs. ["FKM&F"], from Puccini's assets, in consideration for concealing such larceny, and not making any attempt at its recovery in favor of the judicial trust.

Under such bribed circumstances, there has not been any of the mandatory filings for such \$700,000, by Mr. Justice David B. Saxe or Referee Donald Diamond, as required by Judiciary Law §35-a, Parts 26 and 36 of the Rules of the Chief Judge.

c. I suggest that your Commission, clearly advise, inter alia, Chairperson Kaye, Chief Administrative Judge Milonas, and Inspector General Gallagher of their legal and ethical obligations, which includes restitution to the helpless constitutional "person", the ward of UCS, of its assets, alternatively chance, inter alia, public scandal and filed criminal charges.

2. In addition to the larceny of judicial trust assets, K&R-FKM&F, have "extorted" more than \$2,000,000, from my former client, Hyman Raffé, in order to avoid incarceration, as I suffered and was suffered by Sam Polur, Esq., under a criminal conviction, for non-summary criminal contempt.

Such contempt conviction was 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, with fines and/or terms of incarceration imposed thereon. The purpose of such manifestly unconstitutional convictions was to negotiate and threaten Mr. Raffé, which his attorneys of record were incarcerated, compel him to submit to silence concerning corruption in UCS and pay "extortion" monies out of his personal assets, since Puccini was now "bone dry" and/or intended to be so.

Such "extortion" monies were and are being paid by check, and have been confirmed by responsible media representatives, in addition to the unsolicited court-filed affidavit of Mr. Raffé.

For members of the judiciary to have involved themselves in "extorting" monies from a citizen, payable to private parties, to avoid incarceration under a criminal conviction, is more than unethical, it is base criminal.

Such event would not have occurred if, inter alia, Inspector General Gallagher performed his duties regarding the activities of Administrator Riccobono and Referee Diamond, who were being "paid-off", and in turn enriching FKM&F from Puccini's judicial trust assets.

Nevertheless, Mr. Gallagher's efforts must be at the return of such "extortion" monies or having such monies turned over to the state treasury (Goodman v. State, 31 N.Y.2d 381, 340 N.Y.S.2d 393, 292 N.E.2d 665 [1972]).

3. In addition to the aforementioned, a number of high-echelon members of the UCS are defrauding the state treasury, failing to report taxable income, failing to pay the tax due thereon, and related transgressions.

a. A state official can be sued in his official capacity, and invariably receives a state defense at state cost and expense, when sued in such capacity.

Where, however, the state official is sued in his personal capacity, as invariably been the situation in my actions, the official must defend at his own cost and expense, and personally satisfy any judgment recovered. Dragooning state representation, at state cost and expense, for a personal capacity defense by members of UCS, is a fraud upon the state treasury.

Examples, on the federal level, distinguishing between conduct within the "scope" of employment, vel non, under mirrored concepts, proliferate (28 U.S.C. §2679[d]).

Notwithstanding the aforementioned, high-level members of the UCS are defrauding the state by being defended at state cost and expense, for their personal capacity activities, which includes the larceny of judicial trust assets, extortion, and similar activities.

b. Since low-level employees of UCS are not defended at state cost and expense, when they engage in comparable activities, this results in "taxable income" for the high-echelon judge or official of UCS, which must be reported and paid (26 U.S.C. 120[c]).

I believe it to be appropriate that you advise, inter alia, Presiding Justice Murphy and Associate Justice Thompson, who routinely punish attorneys for their failure to report and pay their proper taxes, to report and pay tax upon the reasonable value of the legal services being performed for them by the N.Y. State Attorney General.

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4a. Where the action pends in the federal court, the XI Amendment to the U.S. Constitution bars the federal court from burdening the state treasury, thus all actions against state judges and officials in the federal court must be personal capacity, and as a subject matter jurisdictional and constitutionally infirmity cannot be defended at state cost and expense.

Nevertheless, jurists and officials, members of UCS, were and are being defended in the federal courts, at state cost and expense, defrauding the state treasury in the process.

b. Aside from the fraud upon the state treasury, here again the reasonable value of such state defense is "taxable income" which must be reported and paid.

c. Needless to say, the State Commission on Judicial Conduct, will not sanction, inter alia, Associate Justice Thompson, its senior judicial member, for his egregious "in office" criminal conduct, which is contrary to legitimate sovereign interests, for which he is defrauding the state by being defended at state cost and expense.

Needless to also say, Inspector General Gallagher would be discharged by Chief Administrative Judge Milonas, if he attempted to process the criminal activities of Presiding Justice Murphy and/or Administrative Judge Riccobono, or take any action against their cronies by demanding an accounting for Puccini's judicial trust assets, or the filing of Judiciary Law §35-a statements, or causing restitution to Puccini.

5a. If the Commission desires any further information or documentation, a simple request is all that is necessary.

b. Any failure to act by the Commission, could only be reasonably construed, even by those who are not skeptical, as an assertion that "ethics" are only for the lower level members of the UCS.

Most Respectfully,

GEORGE SASSOWER

cc: Inspector General William J. Gallagher