UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Petitioner, -against- THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, Respondent.	Docket No. 93- Application for Leave to File <u>Petition</u>.

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1a. This affirmation, made under penalty of perjury, is for leave to file a formal petition, a matter of absolute constitutional right, since the issues sought to be presented for resolution constitutes a "case or controversy" arising under the Constitution and/or Laws of the United States.

b. The constitutional mandate, as contained in Article III §2[1] of the <u>Constitution of the United States</u>, is that the federal courts <u>must</u> accept jurisdiction over "<u>all</u> cases, in law and equity, arising under this Constitution, the Laws of the United States and Treaties ...".

c. As stated by Chief Justice John Marshall, speaking for a unanimous court in <u>Cohens v. Virginia</u> (19 U.S. [6 Wheat] 264, 404 [1821]):

> "It is most true that [the federal courts] ... will not take jurisdiction if it should not; but it is equally true, that it <u>must</u> take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure ... . With whatever doubts, with whatever difficulties, a case must be attended, we <u>must</u> decide it, if it be brought before us. We have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. The one or the other would be <u>treason to the constitution</u>. Questions may occur which we would gladly avoid; but we cannot avoid them. All we can do is, to exercise our best judgment, and <u>conscientiously to perform our duty</u>." [emphasis supplied]

2. The contents of the petition that affirmant desires to file for federal adjudication, is partly reflected, in the proposed preliminary injunction, which is incorporated herein by reference, also under penalty of perjury.

3a. As demonstrated in affirmant's application for a preliminary injunction, affirmant asserts that: (1) affirmant's state disbarment must be stayed until such time as he is afforded access to the state and federal courts to nullify the judgments under which such disbarment was based, and which no one denies are legal nullities, which were judicially concocted for the purpose of advancing a criminal racketeering adventure; (2) the state disciplinary procedures of respondent should declared to be violative of federal law and stayed (cf. District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 [1982]); (3) the bad faith, harassing, disciplinary proceeding against "Jane Doe" must be stayed and enjoined, since the real target of such proceedings is affirmant, not "Jane Doe", and this is but another attempt to intrude upon affirmant's First Amendment right of association, while not permitting affirmant the opportunity to advance such federal constitutional issues in any state judicial forum (cf. Middlesex County Bar v. Garden State Bar, 457 U.S. 423 [1982]).

b. In short, by employing unconstitutional procedures, without permitting affirmant the opportunity of asserting such claim, "Jane Doe" is simply another "hostage", in a long list of "judicial hostages", in a desperate and frantic attempt to compel affirmant's silence.

4. Affirmant's silence can <u>only</u> be obtained by: returning to PUCCINI CLOTHES, LTD. <u>all</u> its judicial trust assets as they existed on June 4, 1980, or its monetary equivalent; returning to HYMAN RAFFE, <u>all</u> monies extorted from him; and providing a proper judicial forum where <u>all</u> the victims of this "judicial reign of terror" may seek compensation for the wrongs imposed on them -- nothing less!

WHEREFORE, it is respectfully prayed that this application be granted in all respects.

Dated: June 18, 1993

GEORGE SASSOWER [GS-0512]
Petitioner, pro se
16 Lake Street,
White Plains, NY 10603
914-949-2169

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Petitioner, -against- THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, Respondent.	Docket No. 93- Notice of Settlement (Preliminary Injunction)

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S I R S:

PLEASE TAKE NOTICE, that on the 2nd day of July, 1993, at 10:00 o'clock in the forenoon of that day, at the U.S. District Court for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York, the annexed Preliminary Injunction will be presented for settlement, to the Judge of this Court assigned for such purposes.

Dated: June 18, 1993

Yours, etc.

GEORGE SASSOWER
Petitioner, pro se.
16 Lake Street,
White Plains, NY 10603
914-949-2169

To: Appellate Division, Second Dept.
Attorney General Robert Abrams
Robert H. Straus, Esq.
Gary L. Casella, Esq.
Kreindler & Relkin, P.C.
Feltman, Karesh, Major & Farbman, Esqs.
Ira Postel
Howard M. Bergson, Esq.
"Jane Doe"

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF NEW YORK

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GEORGE SASSOWER, Petitioner, -against- THE APPELLATE DIVISION OF THE SUPREME COURT OF THE STATE OF NEW YORK, SECOND JUDICIAL DEPARTMENT, Respondent.	Docket No. 93- PRELIMINARY INJUNCTION

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It appearing to the satisfaction of this Court, after due service and opportunity having been afforded to oppose, that petitioner's constitutional right to access to the federal courts extends to "all" cases or controversies which involves federal law; and it further appears that petitioner's right to access to the state courts is similarly absolute as to non-federal issues; and it further appears that PUCCINI CLOTHES, LTD. ["Puccini"], was involuntarily dissolved on June 4, 1980, its assets becoming custodia legis, held under "color [pretense] of law"; and it appears that in every American jurisdiction a court-appointed receiver, an arm of the court, must account for his stewardship; and it further appears that in New York a court-appointed receiver must file an accounting "at least once a year" (22 NYCRR §202.52[e]); and it further appears that (NY Bus. Corp. Law §1216[a] provides:

> "Within one year after qualifying, the receiver shall apply to the court for a final settlement of his accounts ... . If the receiver has not so applied for a settlement of his accounts ... the attorney-general or any creditor or shareholder may apply for an order that the receiver show cause why an accounting and distribution should not be had, and after the expiration of eighteen months from the time the receiver qualified, it shall be the duty of the attorney-general to apply for such an order on notice to the receiver." [emphasis supplied]; and it further

appears that KREINDLER & RELKIN, P.C. ["K&R"] and CITIBANK, N.A. ["Citibank"] engineered the larceny of the judicial trust assets of Puccini; and it further appears since the maximum commissions of LEE FELTMAN, Esq. ["Feltman"], the court-appointed receiver, is established by statute, which maximum can not be waived (Matter of Kane, 132 A.D.2d 609, 543 N.Y.S.2d 934 [2nd Dept.-1987], aff'd 75 N.Y.2d 511, 554 N.Y.S.2d 457, 553 N.E.2d 1005 [1990]); and it further appears that K&R and Citibank agreed to transfer the balance of Puccini's judicial trust assets to Feltman's law firm, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"] provided they concealed the larceny of Puccini's judicial trust assets and made no attempt to recover same on behalf of his judicial trust; and it further appears that FKM&F were never judicially appointed to represent the court-appointed receiver at the cost and expense of the judicial trust, and specifically not appointed pursuant to the mandatory procedures provided in 22 NYCRR §660.24[f], which reads:

> "Any appointment made without following the procedures provided in this section, shall be null and of no effect and no person so appointed shall be entitled to recover any compensation for the services rendered or claimed to have been rendered."; and it further

appears Feltman could not file any of his mandatory "accountings" without exposing such larceny and the official/judicial corruption involved therein; and it further appears that K&R and FKM&F, in and about April of 1984, were openly flaunting the fact that they had "paid-off" Administrative Judge XAVIER C. RICCOBONO ["Riccobono"], and had corrupted and controlled U.S. District Court Judge EUGENE H. NICKERSON

["Nickerson"]; and it further appears there was strong, compelling and independent evidence confirming such flaunts; and it further appears that in and about August of 1984, there was compelling evidence of the corruption of Attorney General ROBERT ABRAMS ["Abrams"], the statutory fiduciary of all involuntarily dissolved corporations, and some evidence of the corruption of Presiding Justice FRANCIS T. MURPHY ["Murphy"] of the Appellate Division, First Department, thereafter augmented and confirmed; and it further appears on or about August 29, 1984, petitioner, as the attorney for HYMAN RAFFE ["Raffe"], prepared and caused to be filed a complaint in Raffe v. Doe (84 Civ. 6272 [WCC]), which was assigned to U.S. District Court Judge WILLIAM C. CONNER ["Conner"]; and it further appears that Judge Conner was fixed and corrupted and stayed all pre-trial discovery and disclosure and other pre-trial relief, desired by petitioner, on behalf of Raffe, his client; and it further appears that in the early portion of January of 1985, with Mr. Justice MARTIN EVANS ["Evans"] vindicating petitioner and Raffe of all charges of non-summary criminal contempt, triggering constitutional and statutory double jeopardy prohibitions, and with the holding of Mme. Justice ETHEL DANZIG ["Danzig"] that petitioner was not disqualified from representing Raffe, without even considering the fraud and corruption involved in securing such Order, that an agreement was entered into by and between Judge Conner, Judge Nickerson, Presiding Justice Murphy, Administrator Riccobono, Attorney General Abrams, FKM&F, K&R and others, that Judge Conner would continue to stonewall the proceedings in Raffe v. Doe (supra) while Judge Nickerson, Administrator Riccobono, Presiding Justice Murphy would impose upon petitioner, Raffe and SAM POLUR, Esq. ["Polur"] a "reign of judicial terror", in order to compel them to succumb; and it further appears that in the course of this reign of judicial reign of terror the services of IRA POSTEL, Esq. ["Postel"] and HOWARD M. BERGSON, Esq. ["Bergson"] were enlisted to betray the legitimate interests of Raffe, who they purportedly represented; and it further appears that Postel and Bergson informed Administrator Riccobono, Referee DONALD DIAMOND and FKM&F that faced with a term of incarceration, Raffe would succumb and submit in the Puccini matter; and it further appears that Postel and Bergson further informed Administrator Riccobono, Referee Diamond and FKM&F that Raffe, their client, could more easily be negotiated with if petitioner and Polur were incarcerated; and it appears that pursuant to such unlawful conspiracy, petitioner, Raffe, and Polur were all convicted of non-summary criminal contempt, a constitutionally protected crime; and it further appears that <u>all</u> of these convictions were manifestly unconstitutional and jurisdictionally infirm, since they were <u>all</u> rendered <u>without</u> a trial, <u>without</u> the opportunity for a trial, <u>without</u> any confrontation rights, <u>in absentia</u>, <u>without</u> due process, <u>without</u> the right of allocution, <u>without</u> any live testimony in support thereof, and <u>without</u> any constitutional or legal waiver, with fines and/or terms of incarceration imposed thereon; and it further appears that in each of the three (3) instances of petitioner's contempt, the judges involved, federal and state, actually knew that absence a plea of guilty, they had neither the legal power nor authority to convict any person of non-summary criminal contempt, a constitutionally protected crime, without the opportunity for a confrontational trial or hearing, and without live testimony in support thereof; and it further appears that the jurists involved actually knew that absent a plea of guilty, no person could be convicted of any constitutional protected crime, without the opportunity for a confrontational trial or hearing, except possibly for summary criminal contempt; and it further appears that the aforementioned convictions were based upon the exercise by petitioner of his legitimate First Amendment rights for which non-summary criminal contempt is not a legal remedy; and it further appears that the jurists involved in these non-summary criminal contempt convictions were so intentionally traveling outside their constitutional orbit of power that they were usurping judicial forms and facilities for purposes that served their personal, not sovereign, interests; and it further appears that the self-proclaimed private prosecutors involved in these convictions were the criminal who were engaged in the larceny of judicial trust assets and/or their conspirators; and it further appears that in the trialess convictions by Mr. Justice ALVIN F. KLEIN ["Klein"], which was based on the commencement of an action against Administrator Riccobono, Referee DONALD DIAMOND ["Diamond"], K&R and FKM&F for corrupting and fixing another jurist, petitioner, Polur and Raffe, in one document, were each sentenced to be incarcerated for 30 days; and it further appears that while Polur and petitioner were incarcerated or about to be incarcerated, in order to further pressure Raffe into submission, Bergson, Postel, FKM&F caused Referee Diamond to issue a Report dated July 15, 1985 which found Raffe guilty of 71 counts of non-summary criminal contempt; and it further appears that Raffe was advised that if such Report was confirmed, in addition to the 30 days imposed by Judge Klein, he faced an additional 71 months incarcerated; and it further appears that based upon the aforementioned, on or about July 15, 1985, Raffe was represented and controlled by Postel and Bergson, to the exclusion of petitioner and Polur in <u>all</u> Puccini related litigation, including <u>Raffe v. Doe</u> (supra), as judicially filed documents confirm, a fact known by Judge Conner and others; and it further appears that Raffe in order to avoid incarceration under the Judge Klein conviction, as was suffered by petitioner and Polur, and for not having the Report of Referee Diamond moved for confirmation, as was the event for the mirrored report with respect to petitioner, Raffe was compelled to pay all monies payable "to the federal court" under the conviction of Judge Nickerson to the pockets of K&R and its clients, Raffe was compelled to make continuing extortion payments to FKM&F which were are correlated to petitioner's activities, Raffe was compelled to agree to execute releases to all the "Justices of the Supreme Court", the federal judges in the "Southern and Eastern District of New York", Attorney General Abrams and others; and it further appears that while Judge Conner's jurisdiction over petitioner prior to July 15, 1985 was only as Raffe's attorney, after July 15, 1985 Judge Conner had no subject matter or personal jurisdiction over plaintiff or his personal interests; and it further appears that even if Judge Conner had jurisdiction over petitioner on October 11, 1985, the date he issued Raffe v. Doe (619 F. Supp. 891 [SDNY-1985]), Judge Conner had no jurisdiction to enjoin a judgment creditor from compelling a court-appointed receiver to account for his trust, no jurisdiction to enjoin the recovery of assets unlawfully disgorged from a judicial trust, and no jurisdiction to limit the constitutional jurisdiction of the federal courts to entertain "all" cases or controversies wherein a federal question exists; and it further appears that such Judge Conner Order in Raffe v. Doe (supra), is transparently invalid and is not entitled to any respect by any court or judge; and it further appears that such injunction is also not binding on petitioner, who was not a party to the proceeding at the time (Martin v. Wilks, 490 U.S. 755 [1989]); and it further appears that to advance such criminal racketeering activities, in an addition to the transparently invalid Judge Conner injunction, similar transparent invalid injunctions, were issued by various other federal and state jurists which attempt to effectively bar petitioner from access to the courts, including for habeas corpus, coram nobis, and similar relief; and it further appears that when petitioner continued to resist and expose the corrupt judicial activities that were taking place, respondent, at the request of Presiding Justice Murphy, ex post facto, elevated such non-summary criminal contempt convictions from "offenses" to "serious" crimes, and employed them as the predicate for petitioner's disbarment, albeit such disbarment were clearly retaliatory and in violation of 11 U.S.C. §525, after petitioner vested his assets in the U.S. District Court and aborted the "approval" by Referee Diamond of a 'phantom', 'non-existing', "final accounting" by Feltman for Puccini; and it further appears that respondent intentionally concealed the constitutional and jurisdictional infirmities in these non-summary contempt convictions in their published determination of same (Grievance Comm. v. G. Sassower, 125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1987]); and it further appears that years thereafter when Polur began to expose the corruption involved in the Puccini matter, disciplinary proceedings were instituted against him, and he was suspended based essentially upon the similar escalation of a manifestly unconstitutional conviction from an "offense" to a "serious" crime (Matter of Polur, 173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]); and it further appears that it has repeatedly been conceded that it was petitioner, not Polur, who served the summons which caused his trialess incarceration and suspension from the bar, but nevertheless petitioner was not permitted to intervene under state disbarment practices (Matter of Polur, 80 N.Y.2d 891, 587 N.Y.S.2d 901, 600 N.E.2d 628 [1992]); and it further appears that to prevent the formal nullification of the aforementioned infirm criminal convictions, so declared, and to otherwise advance these criminal racketeering activities, the federal and state courts enjoined petitioner's access to the courts, federal and state, almost invariably without subject matter or personal jurisdiction or due process, as in the Judge Conner edict in Raffe v. Doe (supra); and it further appears that until and unless access to the courts is afforded to petitioner, recognition of the state disbarment of petitioner should be stayed and enjoined; and it further appears that the state and federal courts also began to retaliate against third persons, perceived to be associated with petitioner or perceived to have leverage with petitioner, in order to compel petitioner's submission and silence; and it further appears that there emerged, clearly focused, "Raffe-The Hostage", [Dennis F.] "Vilella-The Hostage", [Harold] "Cohen-the Hostage", "Polur-The Hostage" and "Jane Doe-The Hostage"; and it appears that ROBERT H. STRAUS, Esq. ["Straus"] and GARY L. CASELLA, Esq. ["Casella"] and others who have held such positions in the past in the several districts of respondent, are at-will employees of the respondent, and paid by it, and effectively the at-will employee of respondent's presiding justice, not of the "Grievance Committee", as is publicly represented; and it further appears that as such at-will employees, Straus and Casella have as their prime, almost exclusive, interest, the personal desires of respondent and/or its presiding justice, whatever they may be; and it further appears, that except where disbarment for a felony conviction is mandatory, that no prosecution of an attorney can be commenced without any ex parte submission by Straus and/or Casella to the respondent, which the attorney never sees; and it further appears that the hearing officer appointed by respondent, is a per diem specific designee of respondent; and it further appears that such designated hearing officer has an overriding financial interest to find misconduct, since future appointment are dependent upon a result and report satisfactory to respondent; and it is under such unconstitutional scenarios that respondent reach results which approach 100%; and it further appears that on the merits, the only persons known to survive the unconstitutional disciplinary procedures of respondent has been petitioner and "Jane Doe"; and it further appears that when petitioner completely satisfied the local grievance committee and the complaint was "dead", the jurist involved communicated with Presiding Justice MILTON MOLLEN ["Mollen"], who in turn, ex parte, communicated with his at-will employee at the grievance committee, -who then initiated a proceeding against not only petitioner, but "Jane Doe", as well; and it further appears that after very expensive litigation, all 12 charges lodged against petitioner were resoundingly dismissed, and all 20 charges lodged against "Hostage-Jane Doe" were also resoundingly dismissed; and it further appears that when the "Murphy entourage" were again strongly attempting to have approved the 'phantom' accounting for the judicial trust assets of Puccini, and thus have the receiver and his surety discharged thereunder, Casella commenced a second disciplinary proceeding against "Jane Doe", which was totally meritless, if not ludicrous, and resulted eventually with the vindication of "Jane Doe"; and it further appears based upon petitioner's continued resistance a third disciplinary proceeding has been instituted, and is being prosecuted, which charges "Jane Doe" with misconduct based on a scenario contained in the first proceeding against her, and thus precluded by res judicata; and it further appears that those who steal, rob, plunder, perjure, and corrupt, obstruct justice and/or conspire in such activities, including Straus and Casella, have immunity from disciplinary proceedings because of their relationship with the respondent, and/or its members; and it further appears that Straus actually knew, but concealed, the fact that for making "pay-offs" Raffe escaped incarceration under the Klein conviction, as was suffered by petitioner and Polur, which conviction was the basis for petitioner's disbarment and Polur's suspension, and Straus, FKM&F, Postel and Bergson were threatening Raffe with incarceration unless he testified against petitioner, in a manner that Straus desired; it is

ORDERED, that petitioner is granted permission to file a formal petition in this Court based, inter alia, the recited contents of this application; and it is further

ORDERED, that until access to the courts, state and federal, is granted to petitioner, state and federal, in order to cause, inter alia, nullification of the contempt convictions against him, and other related matters, the state disbarment order of respondent of February 23, 1987 be and the same is stayed and recognition enjoined; and it is further

ORDERED, unless petitioner is afforded by respondent of the opportunity to assert in the state forum that it is <u>his</u> constitutional rights, including his constitutional right of free association, which is implicated in the third disciplinary prosecution of "Jane Doe", such proceedings are stayed and enjoined; and it is further

ORDERED, unless the respondent claims and shows that the general procedures followed are not violative of federal constitutional rights including, inter alia, a prosecution by one who is not an at-will employee of respondent, not initiated by an ex parte submission, not by a per diem paid hearing officer selected by respondent, not by a prosecutor having a financial interest in satisfying the interests of the respondent and/or its members, and not based on intentional invidious selectivity, all disciplinary proceedings by respondent, except those of a mandatory nature, be and the same are hereby stayed and enjoined, except those where specific application is made to this Court by or on behalf of respondent.

Dated: Brooklyn, New York
July , 1993

UNITED STATES DISTRICT JUDGE