SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

In the Matter of the Application of GEORGE SASSOWER, individually and on behalf of the Westchester County Grand Jury, Petitioner, -against- District Attorney CARL A. VERGARI; Assistant N.Y.S. Attorney General RONALD GOLDSTOCK; and Attorney General ROBERT ABRAMS, Respondents. For Writs of Mandamus and Prohibitions	Index No. 16682-1992 Assigned to: Hon. KENNETH H. LANGE Proceeding #1
GEORGE SASSOWER, Plaintiff, -against- ROBERT ABRAMS, FRANCIS T. MURPHY, XAVIER C. RICCOBONO, CHARLES L. BRIEANT, JAMES L. OAKES, A.R. FUELS, INC., HYMAN RAFFE, HOWARD BERGSON, FRED L. SHAPIRO, DONALD DIAMOND, CAROLYN CAIRNS OLSON, and MATTHEW T. CROSSON, Defendants.	Docket No. 17,051-1992 Assigned to: Hon. W. DENIS DONOVAN

S I R S:

PLEASE TAKE NOTICE that the within is a true copy of an Order which will be separately presented to Hon. Kenneth H. Lange and Hon. W. Denis Donovan, judges of the within named Court on December 14, 1992 at 10:00 o'clock in the forenoon of that day. All objections or controverting material must be served by December 7, 1992 or such extended time that the Court will grant.

Dated: November 24, 1992

Yours, etc.

GEORGE SASSOWER
Plaintiff-Petitioner, pro se
16 Lake Street,
White Plains, NY 10601
(914-949-2169

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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STATE OF NEW YORK)
)ss.:
COUNTY OF WESTCHESTER)

GEORGE SASSOWER, first being duly sworn, deposes, and says:

This affidavit is submitted in support of the Proposed Order annexed hereto.

All statements contained therein are supported by documentary and uncontroverted evidence, and except for the copies of the cancelled checks in deponent's possession, have been or will be filed with this Court within the next three days.

Nothing herein is intended to infringe upon each jurist to make his own independent determination.

The situation is more egregious than set forth herein and to say more would be supererogatory.

WHEREFORE, it is respectfully prayed that the relief requested herein be granted in all respects.

GEORGE SASSOWER

Sworn to before me this
24th day of November, 1992

Ivan Pineiro

IVAN PINEIRO, NOTARY PUBLIC
State of New York, No. 4959860
Qualified in Bronx County
Cert. Filed in Westchester Cty.
Commission Expires
12/11/93

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

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Petitioner-plaintiff, above-named, having moved this Court in Proceeding #1 for, <u>inter alia</u>, a writ of mandamus to compel respondents for vindication of his rights under Amendment I of the <u>United State Constitution</u> (<u>N.Y. State Constitution</u> Article 1 §9), by transmitting his evidence of the criminal activities in Westchester County by Attorney General ROBERT ABRAMS, and to vindicate the right of the grand jury, an essentially independent branch of government, to receive any and all information regarding criminal activity in its jurisdictional bailiwick; and it appears that Article 1 §6 of the <u>N.Y. State Constitution</u> specifically provides:

> "The power of grand juries to inquire into the wilful misconduct in office of public

> officers, and to find indictments or to direct the filing of informations in connection with such inquiries, shall never be suspended or impaired by law."; and

it further appears that in Action #2 plaintiff seeks to recover, contractually based, monies due and owing him by A.R. FUELS, INC. and HYMAN RAFFE, some of which are related to PUCCINI CLOTHES, LTD. and some independent of such involuntarily dissolved corporation, and against the other defendants, sued in their personal capacities, for interfering with these constitutionally protected contractual rights; and it appears that Article 1 §10 of the U.S. Constitution provides that:

> "No state shall enter ... any ... law impairing the obligation of contracts ...."; and

it further appears that in Proceeding #1 and Action #2 the contention is generally made that petitioner-plaintiff has forfeited his constitutional, civil rights and property rights, as aforementioned because, *inter alia*, he was convicted of non-summary criminal contempt in Raffe v. Citibank, N.A. (84 Civ. 305 [EDNY-1984], aff'd 779 F.2d 37 [1985]) and Sassower v. Sheriff of Westchester County (824 F.2d 184 [2nd Cir.-1987]); and petitioner-plaintiff contends that assuming, *arguendo*, the argument has any legal validity nevertheless, petitioner-plaintiff asserts, the aforementioned convictions are manifest nullities, not entitled to any legal respect in any court, under well established legal concepts, and that these jurisdictionally and constitutionally infirm determinations were made and published in order to conceal criminal racketeering activities by Attorney General ROBERT ABRAMS, members of the judiciary, state and federal, and their cronies; and in support of the petitioner's contention, he requests this Court to take judicial notice of the Certified Record on Appeal and Briefs in the Appellate Division, First Department in Barr v. Sassower (121 A.D.2d 324, 503 N.Y.S.2d 392 [1st Dept.-1986] [Microfiche #1-86-1366]), a copy of the Record in U.S. Circuit Court of Appeals for the Second Circuit and other judicial documents, all of which, except for the Microfiche, have been filed with the County Clerk in Proceeding #1; and petitioner having asserted, as here demonstrated, that essentially all that is necessary for members of the judiciary to steal and plunder judicial trust assets to satisfy their own private and personal interests, is a corrupted Attorney General, as statutory fiduciary, and input control of the publishing facilities of WEST PUBLISHING COMPANY and MEAD DATA CENTRAL, INC. ["Lexis"], whose business activities can be judicially noticed as being fairly attributable to the judicial branch of government; and it appears that the facts which negate jurisdiction by the courts are deliberately omitted in the published decisions by WEST and LEXIS, and/or the jurisdictional facts are concocted, contrived, fabricated and devised; and it appears from a transcript of the June 7, 1985 proceedings and Order in Raffe v. Citibank (supra), filed with the County Clerk, in the absence of either HYMAN RAFFE or the petitioner-plaintiff, under a pre-arranged scheme, legal notice, U.S. District Court Judge EUGENE H. NICKERSON found petitioner-plaintiff and HYMAN RAFFE to be, inter alia, in non-summary criminal contempt and directed that the substantial fines imposed on them be paid "to the [federal] court"; and it further appears that such substantial monies, including those paid on behalf of petitioner, were diverted from the federal court to the private pockets of KREINDLER & RELKIN, P.C. and its clients; it further appears that each and every time such case is cited, the fact that such criminal contempt conviction was rendered without a trial, without the opportunity for a trial, without any confrontation rights, or live testimony in support thereof, such facts are deliberately omitted by the courts, causing constitutional injuries to petitioner-plaintiff and others; and it further appears that Congress, under the Act of March 2, 1831 specifically divested all courts that it created of the power to find any person guilty of non-summary criminal contempt without the opportunity for a trial, and that Luke Lawless, Esq., was supposed to be "the last victim" of judicial despotism employing as its vehicle the non-summary criminal contempt power (Nye v. U.S., 313 U.S. 33, 45-46 [1940); that it further appears that neither in the Record at the Appellate Division or in the U.S. Circuit Court of Appeals is there any support for the intentionally fabricated, devised, contrived and concocted statements by the Circuit Court in Sassower v. Sheriff (supra) that:

> "Sassower refused to appear at a hearing before the court appointed referee" [p. 185] ... "Sassower was notified by the attorney for the receiver that he was required to appear before the referee for proceedings on the criminal contempt motion and cross-motions." [p. 187]. ... "[Sassower] failed to appear." [p. 187]... "the opportunity for a hearing that was afforded was appropriate under the circumstances" [p. 189]... "Sassower was ... given a reasonable opportunity to be heard" [p. 189] ... "Sassower ...

> waived that right [to a hearing] by failing to appear" [p. 190] ... "he [Sassower] has repeatedly refused to appear before Referee Diamond" [p. 190] ... "explicitly warned him [Sassower] of the consequences of his failure to appear before the referee" [p. 190]."; and

it further appears that there is not a scintilla of evidence to support the above and other assertions, but the contrary is fully established by the aforementioned Records on Appeal in the Appellate Division and Circuit Court only, and that Referee DONALD DIAMOND ["Diamond"], who had physically and permanently barred petitioner-plaintiff in 1984 from his Courtroom, repeatedly asserted, ad nauseam, in his Report of May 1, 1985 that:

> "a plea of not-guilty in a criminal proceeding is tantamount to a general denial in a civil action and raises no triable issue of fact requiring a trial."; and

that this is further supported by the published decision of U.S. Magistrate NINA GERSHON, confirmed by U.S. District Court Judge DAVID N. EDELSTEIN (Sassower v. Sheriff, 651 F. Supp. 128, 131 [SDNY-1986]) that:

> "According to Referee [Donald] Diamond, petitioner's 'not guilty' defense raised in his Affidavit in Opposition to the Motion was 'tantamount to a general denial of the allegations contained in the petition ...' ... . The Referee found that petitioner's 'not guilty' defense 'does not create a disputed issue requiring a hearing.' "; and

it further appears that in the intervening period between the proceedings in the U.S. District Court and the decision of the U.S. Circuit Court of Appeals petitioner learned that in a mirrored trialess Report by Referee Diamond he found HYMAN RAFFE guilty of 71 counts of non-summary criminal contempt, but for the payment of "millions of dollars" to FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. and KREINDLER & RELKIN, P.C. and other considerations paid and/or promised, Mr. Raffe was not incarcerated under the Referee Diamond trialess conviction or other trialess convictions, as were petitioner-plaintiff and SAM POLUR, Esq., which fact petitioner-plaintiff drew to the attention of the U.S. Circuit Court of Appeals before it rendered its determination; and it further appears that the transaction was independently confirmed by JONATHAN FERZIGER ["Ferziger"] of United Press International ["UPI"] published in, inter alia, the Village Voice (June 6, 1989), as follows:

> "By signing three extraordinary agreements in 1985, however, Raffe agreed ... . In exchange, the court agreed to let him go free. The tab so far has come to more than $2.5 million, paid to both the Feltman and Kreindler firms. Raffe continues to pay with checks from his A.R. Fuels Co. business. 'That's outrageous. It's unbelievable. It's disturbing. ... .' Said Attorney General Abrams when he saw copies of the checks. Abrams is the statutory watchdog over court-appointed receivers like Feltman." [emphasis supplied]; and

it further appears that Mr. Justice ALVIN F. KLEIN, in one document, and in one judgment, without a trial, without the opportunity for a trial, without any confrontation rights, or live testimony in support thereof, found petitioner-plaintiff, Mr. Polur and Mr. Raffe all guilty of non-summary criminal contempt, and sentenced each of them to a term of incarceration for 30 days; and it appears that it was during the term of incarceration of petitioner and Mr. Polur, the attorneys of record for Mr. Raffe, and in their absence that Mr. Raffe was compelled to pay and/or promise to pay the aforementioned monetary consideration, and give other unlawful consideration in exchange for his freedom; and it further appears that the other convictions mentioned in Sassower v. Sheriff (supra), Matter of Sassower (125 A.D.2d 52, 512 N.Y.S.2d 203 [2d Dept.-1986], Matter of Sassower (700 F. Supp. 100 [EDNY-1988], and Matter of Polur (173 A.D.2d 82, 579 N.Y.S.2d 3 [1st Dept.-1992]) were all rendered without a trial, without the opportunity for a trial, without any confrontation rights, or live testimony in support thereof, albeit such constitutional and/or jurisdictional infirmity is concealed in the published decisions by WEST PUBLISHING COMPANY and MEAD DATA CENTRAL, INC.; and it further appears that in the ex parte proceedings, with petitioner-plaintiff and HYMAN RAFFE absent, before Judge Nickerson the following was stated:

> "THE COURT: We have an affidavit from Mr. Sassower.
>
> ...
>
> THE COURT: ... Now, he's accusing your firm of larceny, perjury.
>
> MR. GERSTEIN: It's not true, your Honor. He's been accusing us for years and years over in the State Court.
>
> THE COURT: And general corruption."; and

it further appears that at the time when MICHAEL J. GERSTEIN, Esq., was denying to the Federal Court that his firm had been engaged in the larceny of judicial trust assets, the same accusation was coming from LEE FELTMAN, Esq., the court-appointed receiver for PUCCINI CLOTHES, LTD., but which accusation was being concealed from petitioner-plaintiff, and only surfaced when, on March 5, 1986, there was a temporary falling-out, when Feltman submitted an affidavit reading as follows:

> "[T]hey [Kreindler & Relkin, P.C.] have substantially delayed the dissolution proceeding by impeding discovery sought by the Receiver concerning (i) the amounts that the Kaufman Estate received from Puccini after the Dissolution Order was issued enjoining such payments, and (ii) the books and records of Puccini that appear to be missing. For example, the Kaufman Estate refused to comply with a Subpoena Duces Tecum for <u>eighteen</u> months and remains in default in providing certain discovery despite judicial directives. Moreover, in an effort to block a lawsuit by me as Receiver against the Kaufman Estate to recover for the insolvent Puccini Estate and the payments received and retained by the Kaufman Estate in violation of the Dissolution Order in this proceeding, they have adopted the position that my law firm has a conflict of interest and I should retain another firm to prosecute such suit, threatening to delay such required lawsuit by a disqualification motion [emphasis in original]."; and

it further appears that only by incarcerating petitioner-plaintiff for two (2) months, without bail, charged with a single count of non-summary criminal contempt was Referee DONALD DIAMOND, with the aid of Attorney General ROBERT ABRAMS, the statutory fiduciary for PUCCINI CLOTHES, LTD., and members of the judiciary, able to engineer the "approval" of a "final accounting" by LEE FELTMAN, Esq., as the court-appointed receiver for PUCCINI CLOTHES, LTD., have the court-appointed receiver and his bonding company discharged, a fraudulent scheme wherein the legitimate creditors of PUCCINI CLOTHES, LTD. received none of the judicial trust assets, held under "color [pretense] of law"; and it further appearing that such "final accounting", as "approved" by Referee DONALD DIAMOND does not exist, that it is a judicial hoax and fraud, and further that Referee DONALD DIAMOND does not even have the power to "approve" any "final accounting", discharge any receiver or bonding company (CPLR §4317[b]; that despite the contractually based, constitutionally protected, money judgment that petitioner-plaintiff has against PUCCINI CLOTHES, LTD., petitioner-plaintiff was, without any due process, physically barred from the Courtroom of Referee DONALD DIAMOND shortly after his appointment in 1984, and that shortly thereafter one of the daughter's of petitioner-plaintiff was likewise physically barred for the articulated reason by Referee DONALD DIAMOND that she was informing her father of the proceedings that were taking place therein; and it further appears that Attorney General ROBERT ABRAMS and members of the state judiciary are further defrauding the State treasury by being represented in the federal courts, at state cost and expense, despite the jurisdictional bar contained in the Eleventh Amendment of the U.S. Constitution, and defrauding the State treasury by defense representation, at state cost and expense, in personal capacity actions in the state courts, including in Westchester County and including this proceeding and action wherein Attorney General ROBERT ABRAMS is advancing and attempting to protect his own personal interests, as well as the personal interests of members of the judiciary; and it further appears that Attorney General ROBERT ABRAMS and members of the judiciary, state and federal, are engaged, in other criminal activities; and this Proposed Order having been served on all persons explicitly or implicitly mentioned herein, including Chief U.S. Circuit Court Judge THOMAS J. MESKILL and [former]

Chief U.S. Circuit Court Judge WILFRED FEINBERG, who were members of the panel that affirmed the trialess criminal convictions in Raffe v. Citibank (supra), and who are aware of the criminal diversion of monies payable "to the federal court" but diverted to private pockets, U.S. Circuit Court Judges GEORGE C. PRATT, ELLSWORTH A. VAN GRAAFEILAND, and ROGER J. MINER, who were the panel jurists in Sassower v. Sheriff (supra), Mr. Justice THEODORE R. KUPFERMAN who was Justice Presiding in Barr v. Sassower (supra); and others, as appears by the Certificate of Service, with opportunity afforded to them to controvert, explain and or justify any statement made in this Proposed Order, law, fact, or conclusion by December 7, 1992; and to produce a true copy of the "final accounting" that was "approved" by Referee DONALD DIAMOND, set forth the assets of PUCCINI CLOTHES, LTD., as of June 4, 1980, as required by law and the order of involuntarily dissolution, and defend Referee DONALD DIAMOND'S authority to "approve" any accounting in view of his limited legal authority as set forth in CPLR §4317[b]; and it appears that all those served with a copy of this Proposed Order with Notice of Settlement having defaulted in responding and/or not controverted the allegations and assertions made herein, and not having produced any "final accounting" for PUCCINI CLOTHES, LTD. which sets forth its assets as of June 4, 1980, it is

ORDERED, that even if relevant on the issues presented to this Court, in view of the aforementioned, this Court refuses to give legal respect to the non-summary criminal contempt convictions in Raffe v. Citibank (supra) and Sassower v.

Sheriff (supra) or any other non-summary criminal contempt convictions of petitioner-plaintiff which was rendered without a trial, without the opportunity of a trial, without any confrontation rights, and without live testimony in support of same, and it is further

ORDERED, in view of the failure to produce an accounting for the judicial trust assets for PUCCINI CLOTHES, LTD.; the uncontroverted assertion of the diversion of monies payable "to the federal court" to KREINDLER & RELKIN, P.C. and its clients; the "extortion" of "millions of dollars" from HYMAN RAFFE to private pockets to avoid incarceration under a criminal conviction; and other criminal racketeering activities, the Clerk of this Court is directed to forward a copy of this Order to Hon. WILLIAM S. SESSION the Director of the FEDERAL BUREAU OF INVESTIGATION and the PUBLIC INTEGRITY SECTION OF THE U.S. DEPARTMENT OF JUSTICE, and it is further

ORDERED that it since it appears that the facilities of WEST PUBLISHING COMPANY and MEAD DATA CENTRAL, INC., can and are being employed to conceal and advance criminal activities by members of the judiciary, state and federal, as here demonstrated, the Clerk of this Court is also directed to forward a copy of this Order to the Chairmen of the Judiciary Committee of the U.S. Senate and U.S. House of Representatives and Chairmen of the Judiciary Committee of the N.Y. State Senate and Assembly, and it is further

ORDERED, that the attorneys for the respondents-defendants, and in particular Assistant Attorney General CAROLYN

CAIRNS OLSON are hereby directed, subject to their right to assert their right not to incriminate themselves, within ten days after the service of a copy of this Order with Notice of Entry, to explain to this Court, the reason they concealed from this Court the jurisdictional and/or constitutional infirmities in Raffe v. Citibank (supra) and Sassower v. Sheriff (supra), as alleged herein, and their authority to protect personal interests which do not comport with legitimate state sovereign interests, at state cost and expense.

Dated: White Plains, N.Y.
December , 1992

____
J.S.C.

CERTIFICATION OF SERVICE

On November 24, 1992, I served a true copy of the Order with Notice of Settlement and Affidavit by mailing same in a sealed envelope, first class, with proper postage thereon, addressed to District Attorney Carl A. Vergari, 111 Grove Street, White Plains, New York, 10601; Ass't Atty. Gen. Ronald Goldstock, 143 Grand Street, White Plains, N.Y. 10601; Ass't Atty. Gen. Carolyn C. Olson, 120 Broadway, New York, N.Y. 10271; Duncan, Fish & Bergson, Esqs., 21 Technology Center, East Sectuaket, New York 11733; Fred L. Shapiro, Esq., 111 Grove Street, White Plains, N.Y. 10601; U.S. District Court Judge Eugene H. Nickerson, 225 Cadman Plaza East, Brooklyn, New York 11201; Chief Judge Thomas J. Meskill, Thomas J. Meskill, Old Post Road, Plaza Suite 204, New Britain, Conn. 06051; Circuit Judge Wilfred Feinberg, 40 Centre Street, New York, NY 10007; Circuit Judge James L. Oakes, Box 696, Brattleboro, Vermont 05301; Circuit Judge George C. Pratt, U.S. Courthouse, Uniondale, NY 11553; Circuit Judge Ellsworth A. Van Graafeiland, Rochester NY 14614; Circuit Judge Roger J. Miner, U.S. Courthouse, Albany, NY 12201; Mr. Justice Theodore R. Kupferman, Appellate Division, 25th Street & Madison Avenue, New York, NY 10010; Feltman, Karesh, Major & Farbman, Esqs., 152 West 57th Street, New York, NY 10019; Kreindler & Relkin, P.C., Kreindler & Relkin, P.C., 350 Fifth Avenue, New York, N.Y. 10118; Mead Data Central, Inc., 9393 Springboro Pike, Miamisburg, Ohio, 45342, P.O Box 933, Dayton, Ohio 45401; West Publishing Company, P.O. Box 3526, St. Paul, Minnesota 55165; Hon. William S. Sessions, Federal Bureau of Investigation, J. Edgar Hoover Bldg., 9th Street & Pennsylvania Avenue, Washington, D.C. 20535, and Public Integrity Section Criminal Division, Department of Justice, P.O. Box 27321, Central Station, Washington, D.C. 20038, that being their last known addresses.

Dated: November 24, 1992

GEORGE SASSOWER