

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF WESTCHESTER

-----x
In the Matter of the
Application of
GEORGE SASSOWER, individually and
on behalf of the Westchester County
Grand Jury,

Index No.
16682-1992

Petitioner,
-against-
District Attorney CARL A. VERGARI;
Assistant N.Y.S. Attorney General
RONALD GOLDSTOCK; and Attorney
General ROBERT ABRAMS,
Respondents.

Assigned to:
Hon. KENNETH H.
LANGE

For Writs of Mandamus and Prohibitions
-----x

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

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

1. This affidavit is in support of, inter alia, a
general and personal bias recusal application (Robinson v. State,
806 F.2d 442, 450 [3rd. Cir.-1986]).

2a. This affidavit shall also serve as a demand upon
this Court, the respondents, and others in authority, to
expeditiously present the information contained in this
affidavit to the Westchester County Grand Jury.

b. Since deponent has not disclosed in this affidavit
or his other filed papers, any confidential information, he
requests that the Grand Jury be advised that deponent desires a
personal presentation where such information can be transmitted.

3a. Included in deponent's requested presentation to
the Grand Jury, is the actions of the respondents in attempting

to stonewall deponent's right to transmit his information of criminal activity to the Grand Jury.

b. Deponent's First Amendment rights and rights under the State Constitution, and the independent right of the Grand Jury to have everyone's evidence of criminal activity, has been transmogrified by respondents as a demand by petitioner to prosecute, which the petition in this matter is not.

4a. Deponent has learned that His Honor and/or his Honor's Law Secretary have been consulted by the Administrative Office of this Court with respect to the within matter, and His Honor given "marching orders" as to the procedures to be followed.

b. Respectfully, judges, not administrators, determine the judicial course to be charted (Balogh v. H.R.B. Caterers, 88 A.D.2d 136, 452 N.Y.S.2d 220 [2d Dept.-1982]).

5a. At bar, the Administrative Office of this Court has had a history of transactional involvements in egregious criminal racketeering adventures, originating elsewhere. In short, "fixes" from without this Court, are transmitted through the Office of the Administrative Judge.

b. Events of the past week, reveal that "fixing", through the Administrative Office, is still alive, healthy and vigorous, as they were during the tenure of Administrative Judge JOSEPH F. GAGLIARDI.

6a. In a related action in this Court (Sassower v. Abrams, 17051-1992) deponent is suing, inter alia, for contractually based monies owed to him, where one of the

defendants is judicially estopped from denying that anything less than \$120,000 is due deponent.

b. The State and its agencies, including the judiciary have no constitutional power to "impair" the collection of such monies or any other private contractual debt (Article 1 §10[1] of the U.S. Constitution).

c. In Louisiana v. New Orleans (102 U.S. 203, 206-207 [1880] (206-207)), the Court stated:

"The obligation of a contract, in the constitutional sense, is the means provided by law by which it can be enforced, -- by which the parties can be obliged to perform it. The Latin proverb, qui cito dat bis dat, -- he who gives quickly gives twice, -- has its counterpart in a maxim equally sound, -- qui serius solvit, minus solvit, -- he who pays too late, pays less. Any authorization of the postponement of payment, or of means by which such postponement may be effected, is in conflict with the constitutional inhibition. "

7a. HOWARD C. BERGSON, Esq. ["Bergson"] and DONALD DIAMOND ["Diamond"] were in ex parte communication with FRED L. SHAPIRO, Esq. ["Shapiro"] of the Administrative Office of this Court, and without even a pretense of due process, on October 19, 1992, Shapiro directed the County Clerk to return his filed judicial papers to him.

b. Who is Diamond? Who is Bergson?

8a. "Vending Machine" Diamond is a Referee in New York County, with almost no judicial authority (CPLR §4317[b]). However, for the proper consideration paid to Administrative Judge XAVIER C. RICCOBONO ["Riccobono"] or by being a member of the Presiding Justice FRANCIS T. MURPHY "patronage mill"

(Newsday, November 25, 1988), any requested order "vending machine fashion" is obtainable.

b. Thus, an example of an Order presented to Referee Diamond, which he signed, reads as follows:

"the Sheriff of Westchester County is hereby authorized and directed ... to enter, search and seize any and all word processors, word processing equipment and related software, including without limitation an Exxon word processor, and all cash in the possession, custody or control of George Sassower ... and if entry cannot be obtained by peaceful means, the Sheriff shall enter the premises by any means necessary and may break and enter the premises; and ... the Sheriff of Westchester County shall file with Referee Donald Diamond an affidavit setting forth in detail and with particularity the property of George Sassower in his possession, and, in the event that the Sheriff has not seized the personality described in the preceding decretal paragraph, describing in detail the efforts made to do so ...";

c. Authenticity of such demented document, can be confirmed by communicating with the Westchester County Attorney or Westchester County Sheriff's Office.

9a. For the payment of "more than \$2,500,000" to the cronies of Presiding Justice FRANCIS T. MURPHY and Attorney General ROBERT ABRAMS, and other unlawful consideration, all arranged by Diamond and Bergson in a "boiler room operation", Hyman Raffe did not have to serve his term of incarceration, as independently investigated, confirmed and published by Jonathan Ferziger of United Press International.

b. Bergson, for a legal fee, serves as a conduit for the payment of extortion monies from Raffe to the Murphy-Abrams cronies.

c. The matter as published by the Village Voice (June 6, 1989) reads as follows:

"By signing three extraordinary agreements in 1985, however, Raffé 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 ... Raffé 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]

d. Thus for his continued payment of extortion monies, Raffé not only remains free, but receives the "fixing" services of Referee Diamond of New York County in Westchester County.

10a. The Murphy-Abrams cronies made all the judicial trust assets of PUCCINI CLOTHES, LTD. ["Puccini"] the subject of larceny. Consequently no accounting could be rendered without further exposing the criminal racketeering practices of the Murphy-Abrams criminal entourage.

b. Referee Diamond, albeit lacking legal authority, signed an "approval" of the "final accounting" of the court-appointed receiver, although no accounting existed -- the "accounting" is 'phantom' and 'non-existing', and discharged the receiver and his bonding company.

c. Anyone can easily confirm the non-existence of any such accounting, notwithstanding the approval of same by Referee Diamond, by simply making a Freedom of Information Request upon Attorney General Robert Abrams, 120 Broadway, New York, NY 10271.

d. This sham "approval" proceeding by Referee Diamond was engineered by charging deponent with a single count of non-summary criminal contempt, and keeping him incarcerated, without bail, for two months, at government expense.

11. The eyeballs of U.S. Magistrate Judge NINA GERSHON, literally flew out of their sockets, as have others, when Her Honor read the Report of Referee Diamond, which repeatedly stated, ad nauseam, that:

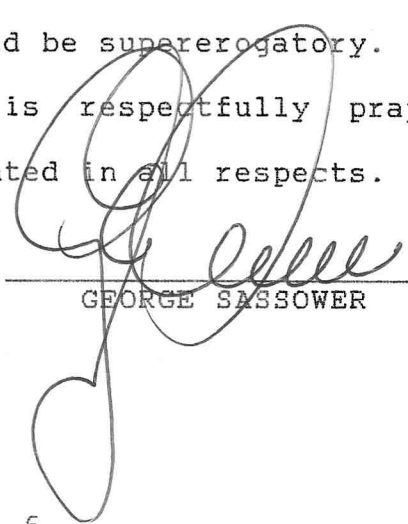
"A plea of not guilty in a criminal case is tantamount to a general denial in a civil action, raising no triable issue of fact requiring a trial" (Sassower v. Sheriff of Westchester County, 651 F. Supp. 128, 131 [1986]).

12a. Since deponent is physically barred from the Courtroom of Referee Diamond, even when his constitutional interests are involved, obviously no order which Diamond might enter, is without legal validity as against deponent. They are coram non iudice, as Mr. Shapiro is well aware.

b. Furthermore, according to Referee Diamond, a "final accounting" has been "approved", the receiver discharged, the bonding company discharged, and the matter closed. Whatever authority he had in the Puccini matter, is finished and over.

c. 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
27th day of October, 1992