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Elena Ruth Sassower, Coordinator

PRIORITY MAIL

January 25, 2002

Professor Vincent Martin Bonventre
Albany Law School
80 New Scotland Avenue
Albany, New York 12208

RE: Vindicating the "Rule of Law" before the New
York Court of Appeals

Dear Professor Bonventre:

I am most grateful for your willingness to review my reargument motion.

It seems to me that the demonstrably fraudulent 7-sentence decision of the Appellate Division, First Department – obliterating ALL adjudicative standards and anything resembling the rule of law -- has got to raise a substantial constitutional question, entitling me to an appeal of right. What about my constitutional right to a fair and impartial tribunal? – for which I made a threshold August 17th motion to disqualify the Appellate Division, including for interest, proscribed by Judiciary Law §14. The last sentence of the 7-sentence decision purports to deny that motion, *without* reasons or findings – misidentifying it, as well.

The decision is rife with constitutional violations, perhaps most egregious, the Appellate Division's imprimatur on Justice Wetzel's *sua sponte* and *without due process* filing injunction against me and the NON-PARTY Center for Judicial Accountability, Inc. (CJA) – for which there exists not the slightest evidence in justification (Appellant's Brief pp. 61-68)¹. Such injunction is but an

¹ As pointed out at page 52 of my Appellant's Brief, a decision "totally devoid of evidentiary support" is "unconstitutional under the Due Process Clause" of the United States Constitution. *Garner v. State of Louisiana*, 368 US 157, 163 (1961); *Thompson v. City of Louisville*, 262 U.S. 199 (1960).

illegitimate exercise of "inherent power", whose ulterior purpose, like the Appellate Division's pretense that I lack standing to sue the Commission [which was NOT a basis for Justice Wetzel's dismissal of my Verified Petition], is to insulate the Commission from the six clearly meritorious Claims for Relief presented by my Verified Article 78 Petition [A-37-46].

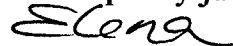
Isn't there a constitutional right to petition for redress of grievances? How can the Commission, whose purpose is to protect the public, be placed beyond legal challenge and be permitted to operate in flagrant violation of statutory and constitutional requirements – including the interpretation of Judiciary Law §44.1 by the Court of Appeals in *Matter of Nicholson*, 50 NY2d 597, 610-611:

"...the commission MUST investigate following receipt of a complaint, unless that complaint is determined to be facially inadequate (Judiciary Law 44, subd 1)" (emphasis added).

Since the important issue of standing was the topic of my May 11, 2001 letter to Professor Siegel -- and so much of the commentary that I am reading about Court of Appeals practice has been written by him -- I would greatly appreciate if you could enlist Professor Siegel's assistance so that I may also have the benefit of his expertise in framing issues such as standing for review by the Court of Appeals². Please share with him, in particular, my August 17th motion. As detailed by my 19-page analysis of the Appellate Division's decision (annexed as Exhibit "B-1" to my reargument motion)³, such August 17th motion was not only threshold, but dispositive of my rights on appeal.

Thank you again.

Yours for a quality judiciary,



ELENA RUTH SASSOWER, Coordinator
Center for Judicial Accountability, Inc. (CJA)

Enclosures

² As set forth in my May 11th letter to him – and still true today -- I would be particularly appreciative of his evaluative comments as to pages 40-47 of my Critique of Respondent's Brief [annexed as Exhibit "U" to my August 17th motion]

³ Page 10 of my analysis references Professor Siegel's important commentary on standing from his New York Practice. This commentary is quoted at page 2 of my May 11th letter to him.

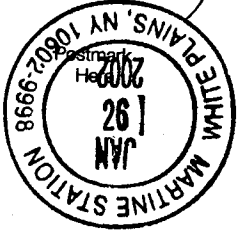
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