

Subject: FW: Re: E. Sassower

Date: 5/31/2005, 1:25 PM

From: Carey Karmel <careykarmel@hotmail.com>

To: judgewatchers@aol.com

Carey Adina Karmel
cell: 646 236-6492
Free Elena Now!
www.judgewatch.org

>From: FMulhauser@aol.com
>To: careykarmel@hotmail.com
>CC: Mllaf@aol.com, mgoldsto@manu.com
>Subject: Re: E. Sassower
>Date: Fri, 16 Jul 2004 12:09:21 EDT

>
>
>In a message dated 7/15/2004 4:47:43 PM Eastern Standard Time,
>careykarmel@hotmail.com writes:

>
>this is our first request of you & we hope you will be kind enough to
>evaluate whether there is some assistance the ACLU could provide to
>Elena,

>
>
>Dear Ms. Karmel--

>
>Though you style your request on behalf of Ms. Elena Sassower as fresh and
>novel (perhaps as it comes from the family), in fact the ACLU has had
>numerous
>direct contacts with Ms. Sassower over most of a decade and including since
>the U.S. Senate incident in 2003. She has made repeated requests for
>assistance and has asked others to contact us on her behalf.

>
>In connection with the present case, we reviewed a file comprising
>thousands
>of pages and also videotape that she sent us over the course of months of
>mailings and faxes. Both the staff and the Legal Committee of the board
>of
>this ACLU affiliate analyzed her requests carefully and declined to
>represent
>her at trial.

>
>The state of her case we know only from the newspapers--that is, she has
>been tried, convicted, sentenced, and also denied release pending appeal.

>
>You did not mention any specific legal issue or her objective now in
>contacting us. As we do not practice criminal law we are not a good source
> of
>representation for general criminal post-conviction work -- motions, direct
>appeal, etc. But if some aspect of a conviction or sentence raises civil

>liberties issues we would of course consider a request. (For example, in
>the
>hypothetical situation that a court offered a defendant a sentence of a
>year if he
>would promise to attend church daily, but three years if he refused to
>attend,
>or if the court attached a condition of probation that a defendant promise
>not to use the Internet.)
>
>Defendants succeed in appeals not by arguing the facts of the case over
>again (that isn't allowed) but by showing the trial court misunderstood the
>law
>or applied it wrong such as in deciding what evidence to admit, in ruling
>on
>objections, or in setting the terms of a judgment and commitment order
>after
>conviction. "Reversible error" is a significant mistake; trials are not
>expected to be perfect and an appeals court will intervene only if there
>were
>errors that clearly affected the result (or could have). Appeals also
>require
>some but not all kinds of errors to have been disputed at the trial stage
>and a
>record "preserved."
>
>The trial transcript is the source of "facts" for an appeal.
>
>If Ms. Sassower identifies a civil liberties issue raised by the work of
>the
>court at trial or at sentencing (not the issue of her rights she believes
>were infringed in the original incident--a topic we have already
>considered at
>length), and if she provides the relevant part of the transcript, we can
>take
>a look to see whether the ACLU would offer her legal assistance on that
>subject.
>
>Again, as we are not expert in criminal defense and appellate work, we
>can't
>review an entire trial to spot error. Further discussion with us
>therefore
>should not substitute for a full review by the appropriate specialist.
>
>To preserve her rights, she should promptly seek advice about deadlines
>that
>apply for motions and appeals. As we do not know that field of practice
>and
>do not represent her, we can't advise her on what steps are required to
>keep
>alive all her legal options.
>
>Meanwhile, there's no question being locked up is just plain nasty; we
>wish
>Ms. Sassower the best in enduring this difficult situation, and also
>finding
>all the legal advice she needs.
>
>Fritz Mulhauser
>Staff Attorney
>ACLU of the National Capital Area

FW: Re: E. Sassower

>1400 20th St. NW Suite 119
>Washington DC 20036-5920
>
>202-457-0800
>202-452-1868 (Fax)