

Eve, Leecia (Clinton)

From: Albert, Josh (Clinton)
Sent: Thursday, May 15, 2003 6:23 PM
To: Eve, Leecia (Clinton)
Subject: Sassower II -- Wesley refuses to recuse

Importance: High

98 N.Y.2d 719, *; 778 N.E.2d 550;
748 N.Y.S.2d 899, **; 2002 N.Y. LEXIS 2322, ***

Elena Ruth Sassower, &c., Appellant, v. Commission on Judicial Conduct of the State of New York, Respondent.

Mo. No. 581

COURT OF APPEALS OF NEW YORK

98 N.Y.2d 719; 778 N.E.2d 550; 748 N.Y.S.2d 899; 2002 N.Y. LEXIS 2322

September 12, 2002, Decided

NOTICE: [***1] DECISION WITHOUT PUBLISHED OPINION

JUDGES: Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo concur. Judge Rosenblatt took no part. Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo each respectively denies the referred motion for recusal.

OPINION: [**899] [*719] Motion, insofar as it seeks disqualification of Judge Rosenblatt, dismissed as academic; [**900] motion, insofar as it seeks disqualification of Chief Judge Kaye and Judges Smith, Levine, Ciparick and Graffeo dismissed upon the ground that the Court has no authority to entertain the motion made on nonstatutory grounds. The application seeking recusal is referred to the Judges for individual consideration and determination by each Judge. [*720] Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo concur. Judge Rosenblatt took no part. Chief Judge Kaye and Judges Smith, Levine, Ciparick, Wesley and Graffeo each respectively denies the referred motion for recusal.