

CENTER for JUDICIAL ACCOUNTABILITY, INC.

P.O. Box 69, Gedney Station
White Plains, New York 10605-0069

Tel. (914) 421-1200
Fax (914) 428-4994

E-Mail: judgewatch@aol.com
Web site: www.judgewatch.org

Elena Ruth Sassower, Coordinator

By Fax: 202-879-2844 (2 pages)

By Mail

January 30, 2004

Judge Brian Holeman
Superior Court of the District of Columbia
Criminal Division
500 Indiana Avenue, N.W.
Washington, D.C. 20001

RE: *United States of America v. Elena Ruth Sassower, M-4113-03*
"Disruption of Congress"

Dear Judge Holeman:

This responds to the phone message left on my voice mail in the hours following the Court's receipt of my January 22, 2004 fax.

I have transcribed that message as follows:

"Hello. This message is for Elena Sassower. This is Sara Pagani, I'm the law clerk for Judge Brian Holeman. I'm calling in response to the fax you sent to our chambers regarding your case in Superior Court. I'm calling to let you know that, as a courtesy, we're calling you again, but the judge's position has not changed. If you need information about whether discovery or responses have been provided, you are welcome to go to the Clerk's office, present your identification, and see the file. You can also contact the U.S. Attorney's for information regarding your case. We cannot answer any further questions at this time. But if at some point we need to contact you, we will do so. Thank you.

Such message only reinforces my belief – expressed at the outset of my January 22nd fax – that the Court is "not a fair and impartial tribunal".

So that I may be guided accordingly in protecting my constitutional rights, please advise whether it is your policy to request attorneys and pro se litigants not to call chambers with their inquiries regarding procedural, non-substantive matters pertaining to cases before you.

If you have no such policy, I intend to make a motion for the Court's disqualification based upon the wholly unwarranted, invidious mistreatment of me reflected by my January 22nd fax and uncontradicted by Ms. Pagani's message. In any event, I call upon you to make disclosure – as is your duty under Canon 3E of the District of Columbia's Code of Judicial Conduct – of any facts and circumstances bearing adversely upon your ability to be fair and impartial.

Finally, I have been informed by Dan Cipullo, Director of the Superior Court's Criminal Division, that the computerized court records -- which were presumably just as instantaneously accessible to your chambers on January 22nd as they were to him on January 27th -- that on January 14th the government filed an

“ex parte in camera submission regarding evidence relative to bias cross-examination of government witness”.

This does not represent compliance with Judge Milliken's direction to Assistant U.S. Attorney Aaron Mendelsohn on December 3, 2003. Such direction required Mr. Mendelsohn to produce more than just personnel records -- the only aspect of production for which “ex parte in camera” review is appropriate. Moreover, as to such personnel records, the direction was not limited to merely one “government witness”, presumably Sergeant Bignotti. Indeed, even Judge Milliken, who manifested his disqualifying bias and interest by his failure and refusal to “throw the book” at Mr. Mendelsohn, as any fair and impartial tribunal would have done, recognized that Mr. Mendelsohn had to “revisit” his responses to my August 12, 2003 First Discovery Demand.

Upon receipt of the transcript of the December 3, 2003 oral argument of my October 30, 2003 motion to enforce my discovery rights and the prosecution's disclosure obligations, which I ordered on that date with a \$30 deposit and for which I made full payment of an additional \$99 nearly a month ago, it is my intention to make an appropriate motion to secure the full relief to which Judge Milliken – and, more importantly, any fair and impartial review of the record of my October 30, 2003 motion shows me to be overwhelmingly entitled.

Thank you.


ELENA RUTH SASSOWER
Defendant Pro Se

cc: Assistant U.S. Attorney Aaron Mendelsohn
Mark Goldstone, Esq.