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BY FAX: 518-426-6952 (1 page) 10:35 a.m.

BY E-MAIL: jdefranc@senate.state.ny.us

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February 12, 2007

Chairman John A. DeFrancisco
New York State Senate Judiciary Committee
Albany, New York 12247

ATT: Carole Luther, Chief of Staff

RE: Written Statement of Opposition for the Record of Today's Senate Judiciary Committee "Public" Hearing on the Confirmation of Supreme Court Justice Theodore T. Jones, Jr. to the New York Court of Appeals

Dear Ms. Luther:

This letter follows up my two phone calls to speak with you – at 9:40 a.m., when I left a message with Carrie, and at 10:11 a.m., when I left a message with Diana. On each occasion I was told you were on another phone.

Since Chairman DeFrancisco has denied CJA's request to testify in opposition at Justice Jones' confirmation hearing, scheduled for 11:00 a.m. today, we request that such be identified by him at the hearing – and that he further identify that we are submitting a written opposition statement for the record.

By way of precedent, at the September 7, 1993 hearing on Justice Howard Levine's confirmation to the New York Court of Appeals, the Senate Judiciary Committee's then counsel, Ned Cole, identified that Eli Vigliano had submitted a statement with a request that it "be submitted and put into the record" [Tr. 90-91]. Such was done – and the written statement is annexed to the official transcript of the hearing. I so stated to Diana in the message for you that I left with her.

Thank you.

Yours for a quality judiciary.



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

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