

CENTER for JUDICIAL ACCOUNTABILITY, INC.*

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Law Day, May 1, 2013

TO: Sherrill Spatz, Inspector General for the Unified Court System (UCS)

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Your Nonfeasance and Misfeasance: February 11, 2013 complaint against New York County Clerk Norman Goodman for obstructing justice and collusion in record tampering: *Center for Judicial Accountability, Inc., et al. v. Cuomo, et al.* (NY Co. #401988/2012)

This is to memorialize your nonfeasance and misfeasance with respect to the February 11, 2013 complaint I filed with you against New York County Clerk Norman Goodman.

As of this date, May 1, 2013 – 2-1/2 months after filing the February 11, 2013 complaint particularizing Mr. Goodman's complete nonfeasance with respect to complaints I filed with him on October 26, 2012 and January 11, 2013 and their requests for certification of the record in *CJA v. Cuomo*, pursuant to Judiciary Law §255 – I have received neither a written acknowledgment nor written disposition from you, indeed, not even a telephone call.

According to a February 13, 2013 letter from Administrative Judge Sherry Klein Heitler – to which you are an indicated recipient – she had spoken with you about “the issues raised” by my February 11, 2013 complaint and it was her “understanding” that you would be “looking into this matter...and responding”.

Where is your response?

On February 19, 2013, I called your office and spoke to Carol Hamm, your deputy, about my complaint. Her response was to castigate me for a complaint which she bizarrely purported “goes around and around”. She also purported not to know what documents were missing from the file of *CJA v. Cuomo* – notwithstanding the missing documents are itemized at pages 4-5 of the five-page October 26, 2012 complaint, which I pointed out to her. Ms. Hamm promised she would go over to

* **Center for Judicial Accountability, Inc.** (CJA) is a national, non-partisan, non-profit citizens' organization, working to ensure that the processes of judicial selection and discipline are effective and meaningful.

the court to examine the file. To further assist her, I called her back within minutes of that conversation to further point out that the contents of the file, as I had inventoried them on October 19, 2012, were listed at ¶24 of my affidavit accompanying the October 26, 2012 complaint.

I did not, thereafter, hear back from Ms. Hamm. Rather, I had to myself call your office some weeks later to find out from her the result of her examination of the file. Ms. Hamm was comparably unpleasant. She peremptorily stated that everything was in the file and that the complaint was now closed, refusing to furnish any elaboration or to address Clerk Goodman's misconduct and that of Chief Deputy Clerk James Rossetti, Chief Clerk Joseph Antonelli, and the uniformed officer, believed to be a "major", who, on October 19, 2012, had refused to give me his name and badge number in escorting me out of the courthouse, at Mr. Rossetti's instance. When I asked whether I would be receiving a written disposition of my complaint, Ms. Hamm stated no and refused my request for a written disposition.

Immediately upon the conclusion of my phone conversation with Ms. Hamm, on or about March 6, 2013, I called your office again, requesting to speak with you and leaving a message as to Ms. Hamm's abusive, obnoxious, and unprofessional behavior with respect to my complaint. I believe I also called a day or so later, requesting to speak with you and also leaving a message. In any event, I received no return call from you.

On April 15, 2013, after hand-delivering a corruption complaint and request for intervention in *CJA v. Cuomo* to U.S. Attorney Preet Bharara, I went to the Clerk's Office in the basement of Supreme Court/New York County to verify that the missing documents were, as Ms. Hamm had purported, in the *CJA v. Cuomo* file. After filling out a requisition slip, I stated to the court employee at the desk, who I recognized from my visit on October 19, 2012, that I did not require the five or so boxes that were part of the file, but only the envelope-folder(s). Within a couple of minutes, Chief Deputy Clerk James Rossetti appeared and repeated the official misconduct that had been the subject of my October 26, 2012 complaint to County Clerk Goodman.

He refused to allow me to examine the envelope-folder, which he took from the court employee and held in his hands before me. He gave no reason for his refusal, other than that this was what he had previously told me. He also refused to examine the envelope-folder contents with me, stating he had no time to do so. I believe he independently told me that someone from the Inspector General's office had been there. I know I told him that Ms. Hamm had informed me that the missing documents were in the file – and that I had come to see them for myself. I further stated that based on the width of the envelope-file he was holding and the side view of its contents I could see that the missing documents were not there. Once again, Mr. Rossetti threatened me, stating "if you persist you will be escorted out".

Among the witnesses to what transpired on April 15, 2013 were Mr. Antonelli, who arrived pretty much at the same time as Mr. Rossetti, but whose presence may have been coincidental, as he seemed to be assisting someone else. Also, the male court employee who had retrieved the envelope-folder for me, as well as a female court employee who I believe to be his superior – each also

Witnesses to what had taken place on October 26, 2013 when, following my inspection of the *CJA v. Cuomo* file, Mr. Rossetti had refused to examine it with me and announced his edict that I was not to be thereafter permitted to review it.

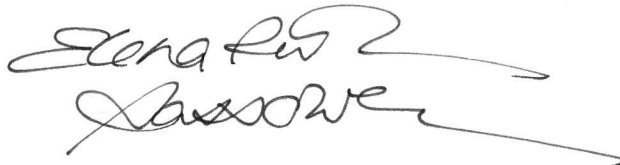
In that connection, a piece of paper was taped to the envelope-folder of *CJA v. Cuomo*. I believe it instructs that I not be furnished with the file and/or that Chief Deputy Clerk Rossetti be notified in the event that I, or anyone else, sought access thereto. Ms. Hamm may be presumed to have seen it if, in fact, she requisitioned and reviewed the file.

That Chief Deputy Clerk Rossetti should continue to bar me from access to the *CJA v. Cuomo* file – which is my own case – and threaten me with physical removal from the courthouse for seeking such access powerfully reflects your failure to have taken appropriate investigative, disciplinary, criminal steps with respect to my February 11, 2013 complaint.

To ensure your written response as to what investigation and action you took with respect to my February 11, 2013 complaint – and to this supplement thereto – a copy of this letter is being furnished to Chief Administrative Judge Prudenti and U.S. Attorney Bharara, in addition to all indicated recipients of the February 11, 2013 complaint.

To expedite my receipt of your written response, kindly furnish it by e-mail to elena@judgewatch.org.

Thank you.



- cc: Carol Hamm, Deputy Inspector General/Unified Court System
A. Gail Prudenti, Chief Administrative Judge/Unified Court System
Preet Bharara, U.S. Attorney for the Southern District of New York
Sherry Klein Heitler, Administrative Judge for Civil Matters, First Judicial District
Cyrus Vance, Jr., New York County District Attorney/
Public Integrity Unit: Dan Cort, Chief
Norman Goodman, County Clerk, New York County
Phyllis M. Mingione, Counsel, County Clerk, New York County
James A. Rossetti, Chief Deputy County Clerk, New York County
Joseph F. Antonelli, Chief Clerk, New York County
Andrew Meier, Assistant Attorney General