

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----x  
DORIS L. SASSOWER,

Petitioner,

Index No.  
95-109141

-against-

AFFIRMATION

COMMISSION ON JUDICIAL CONDUCT  
OF THE STATE OF NEW YORK,

-----x  
Respondent.

GEORGE P. ALESSIO, an attorney duly licensed to practice law in the courts of the State of New York, affirms the following to be true under penalty of perjury:

1. I am a resident of Liverpool, New York, in the County of Onondaga.
2. I have been a practicing attorney since November 1981. From that time until September 1986, I served on active duty in the Judge Advocate General's Corp. of the U.S. Navy. From December 1986 to December 1991, I served as a public prosecutor as an Assistant District Attorney of Onondaga County. I have also been a judge, in 1993 serving as Town Judge of Salina, Onondaga County.
3. I have read the Article 78 Petition herein, the Notice of Petition, the Notice of Right to Seek Intervention, as well as the instant Order to Show Cause seeking an injunctive relief and a default judgment against Respondent.
4. It is my considered professional opinion based on such documents that Respondent has violated its constitutionally and statutorily-mandated duty to investigate complaints of

judicial misconduct by promulgating a rule inconsistent with the pertinent provisions of the New York State Constitution and the Judiciary Law. The result of such unlawful rule is reflected by Respondent's summary dismissals of fully-documented, facially meritorious complaints, such as Petitioner's.

5. I myself have personal experience and direct first-hand knowledge of the fact that Petitioner's experience with Respondent is not unique or isolated. I, too, filed a complaint of judicial misconduct with Respondent that was similarly facially meritorious, detailed and documented. As with Petitioner's complaints, my complaint was also summarily dismissed, without investigation and without any determination having been made that same was facially without merit.

6. Annexed hereto is a copy of my November 11, 1993 complaint to Respondent concerning the fraudulent manner in which a candidate for town justice in Onondaga, New York gained office. As reflected in the opening paragraph of my complaint, I drew Respondent's attention to its duty under Article 2-A of the Judiciary Law and New York Constitutional Article 6, Section 22.

7. The "Appendix" appended at the end of my complaint (Exhibit "A") lists eight separate exhibits to support it. The first exhibit consisted of a Report of the Onondaga County Grand Jury Investigation of the criminal election fraud complained of. A copy of same is annexed hereto as Exhibit "B".

8. Subsequent to the filing of my aforesaid

complaint (Exhibit "A"), I filed numerous additional documents with Respondent, receipt of which it acknowledged.

9. Nonetheless, more than seven months later, by letter dated June 21, 1994, I was notified that Respondent had dismissed my complaint without investigation because "there was insufficient indication of judicial misconduct to warrant an investigation". A copy of said letter of summary dismissal is annexed hereto as Exhibit "C".

10. Thereafter, on June 27, 1994, I wrote Respondent, requesting clarification as to the basis upon which it dismissed my complaint buttressed as it was with a Grand Jury Report that showed more than sufficient "probable cause" to warrant investigation. A copy of my letter is annexed hereto as Exhibit "D".

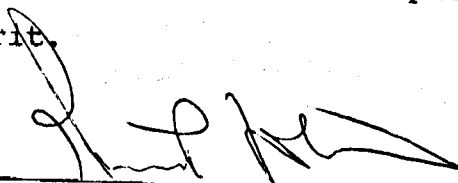
11. Respondent peremptorily rejected my request for explanation as to the basis of its dismissal in a letter dated July 15, 1994, a copy of which is annexed as Exhibit "E".

12. Based on the foregoing experience and the fact that, as I am informed by Petitioner, all of the public agencies listed in the Notice of Right to Seek Intervention have failed to appear or even notify the Court of their position, I believe members of the public must be given leave to intervene, particularly those--such as myself--who have suffered from Respondent's derelict and ultra vires practices.

13. It is my intention to move, pursuant to CPLR §1013, to intervene so as to join in this profoundly important

action to protect the public interest, which has been plainly subverted by Respondent's demonstrated failure to meet its constitutionally and statutorily-mandated duties.

14. I strongly urge the Court to grant the temporary restraining order requested by Petitioner to prevent Respondent, pending the outcome of this litigation, from any further summary dismissals, where it has not determined that the complaints so dismissed are facially without merit.



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GEORGE P. ALESSIO

Dated: May 23, 1995  
Syracuse, New York