

MANTELL & HASKEL, ESQS.  
ATTORNEYS AT LAW  
400 MADISON AVENUE - SUITE 1411  
NEW YORK, NY 10017  
TEL: (212) 750-3896 FAX: (212) 750-4057

MICHAEL MANTELL  
MICHAEL A. HASKEL  
AMY CHRISTIANSON

*Of Counsel:*  
EDMUND H. MANTELL

September 28, 1998

Commission on Judicial Conduct  
801 Second Avenue  
13th Floor  
New York, N.Y. 10017

RE: HON. DONNA RECANT-JUDGE OF THE CRIMINAL  
COURT OF THE CITY OF NEW YORK: COUNTY OF NEW YORK

Dear Sir/Madam:

I hereby make a complaint against the above referenced Judge, as follows:

1. I represent Albert Strignano, who is involved in a civil dispute concerning, among other things, the operation of his business as a hairdresser at certain premises. During the course of the civil litigation and related exchanges between counsel, my client's adversary, Tina Azzizy, obtained an temporary order of protection barring Mr. Strignano from his business premises, returnable on September 14, 1998 at API, calendar number 112.

2. When I first appeared for Mr. Strignano the Assistant District Attorney at the counsel table appeared to be unprepared in that he was lacking the complaint, supporting affidavit, or any knowledge of the case. At that time Judge Recant stated, I believe spontaneously, that my client should not be kept away from his business without any basis therefore, and she commented strenuously on the lack of any supporting affidavit. She thereupon gave the assistant district attorney who was handling the calendar call time to bring in the assistant in charge. I did not believe that I said anything at that time.

3. Some time later the Assistant District Attorney in charge, Mr. Al Louie, appeared in court and the matter was again called. Once again the Judge expressed dissatisfaction with the lack of a supporting affidavit in the file. I stated at that time, I believe, that I had not even seen the complaint, whereupon the court showed it to me briefly. Mr. Louie stated that he had spoken with the complaining witness, Mrs. Azzizy, Saturday (the day before), and that he thought that the Order should be maintained. I thereupon expressed myself for the first time, to the effect that I had made an arrangement with the lawyer for Ms. Azzizy, the

EX "A"

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complaining witness. Judge Recant than became quite angry with me, saying that I was being disrespectful to her. She ordered the district attorney to conduct an investigation and the case to be called again.

4. Thereafter I told Mr. Louie that I and Tina Azzizy's lawyer, Mr. Phelan, had agreed that both parties should be able to use the premises without interfering with each other in the interim. I asked Mr. Louie to call Mr. Phelan, which I believe he did. Mr. Louie than came back and told me that he would agree to modify the order to the extent that my client would be able to go to his business premises, but that he would not be allowed to harass, intimidate or threaten Tina Azzizy. I agreed.

5. The case was called again by Judge Recant, at which time Mr. Louie was not in the courtroom. I told the Judge that Mr. Louie and I had made an agreement to modify the Order, she responded that that was not what she had before her. Once again, she appeared to be angry. I stated to her that I was concerned that her anger with me would lead to a disposition that was unfair to my client, specifically, an adjournment of the case, thus depriving Mr. Strignano of being able to return to his own business. Thereupon the Judge appeared to loose her temper and said she was adjourning the case until October 28, and told everyone to step back.

6. Some time later the Judge motioned for me to come into the robing room with her. There was another person with us, a court Officer who I cannot identify other than by saying that he appeared to be the tallest Court Officer in the courtroom. The Judge said to me, quite rapidly, and about 4 times in succession, "I am trying to help you, why are you being disrespectfully to me"?

7. My rejoinder was that I did not think that I was being disrespectful, and that I did not intend to be disrespectful. I thereupon stated that I did not think the complaint should even stand because of the absence of a supporting affidavit. Her reply to me was "Most of the cases that I have before me in this Part do not have supporting affidavits". She also said that she could not discuss the case with me.

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8. I then reiterated my concern for my client being deprived of being able to go to his business if there was an adjournment. The Judge then said that I had to be respectful to her. By this time the handwriting on the wall was very clear to me, and I stated to her that if she called the case again I would be as obsequious as possible. Thereupon the Judge completely lost her temper, and to my view stormed out of the robing room.

9. Subsequently my client was called by the clerk to pick up the order being issued. He thereupon signaled to the Judge, with his face more than anything else, that he would like the case called again; she signaled back to him from the bench that she would do so.

10. In the interim, I advised Mr. Strignano that I should no longer represent him. It appeared to me to be obvious that the Judge's hostility towards me was prejudicial to his rights.

11. The next time the case was called Mr. Louie was not there. My client told the Judge that he would like to represent himself. The Judge examined him, and told him that if I was excused I could not appear for him again in that case. He agreed, and we then sat down waiting for Mr. Louie to come back into the room.

12. I was sitting in the front bench observing things for about 10 minutes or so. One of the Officers then came up to me and said that the Judge told him that I had to leave the Courtroom. I said that I was not creating any disturbance, that I was only sitting there, and that I should not be asked to leave the Courtroom if that was all I was doing. Furthermore, I said that if the Judge wanted to make such a ruling she should do it on the record. The Court Officer then went back to the Judge and, presumably, relayed my remarks. Thereafter the same Officer returned with another Court Officer, a Sergeant. The Sergeant said that they had relayed my remarks to the Judge, and that she again said that I should be removed. I again stated that I should not be removed from the courtroom unless I was in some way interfering with the process of the Court; that the Court was open to the public, and that I had a right to be there. The Sergeant said to me, or at least implied, that I was right, but that he had to do what the Judge said.

13. Indeed, I agreed with him, and left the courtroom.

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14. I then went to see Judge Oliver, who is the supervising Judge. He was not there, but his principal Court

attorney, Charlene Williams-Pulakos, Esq. agreed to hear what I had say. I recounted what had transpired. She told me that she would discuss it with Judge Oliver, who would discuss it with Judge Recant, and that she and I would speak the next day.

15. I then went back to the courtroom and spoke to my client outside the courtroom, and told him that when his this case was called again he should ask the Judge if I could come in merely so he could turn to me for advice. The case was called again, and through the window in the door I saw my client and Assistant District Attorney Louie before the Judge. My client spoke to the Judge, presumably conveying my request. He than came back outside and told me that the Judge would let me come back into the Courtroom if I apologized to her. I declined, explaining why to my client.

16. My client went back into the courtroom, and the Judge made another Order, as Mr. Louie and I had already agreed to, i.e., that my client could return to the premises, but could not harass, intimidate or threaten Tina Azzizy.

17. Also I understood from my client that he was made to feel that he had to articulate an apology on my behalf so as to obtain the disposition that had been agreed to between the District Attorney and myself, as aforesaid. He would rather do this than have the Judge bar him from his own business until October 27 or October 28.

18. I did speak with Ms. Williams-Pulakos and the next day, and she told me that she had related my complaint to Judge Oliver, who had met with Judge Recant. Ms. Williams-Pulakos stated that she had no resolution to offer me, but advised me that I should do as I wish with respect to making any other complaint.

19. I want to emphasis that all of my recounting of the above is from my memory. However, I have simultaneously written to the court reporter (Ms. Torres, see enclosed) requesting the transcript.

20. During the course of the proceeding referred to I took the name of the Sergeant; he is Sergeant Frank Graniero.

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want to emphasize that I believe that the actions of Officer Graniero, and all other court personnel that I came upon into contact with, were always completely professional. I have no complaint to make against the Sergeant or anyone else.

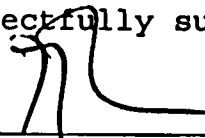
In my opinion Judge Recant violated her Oath of Office in two respects:

a. Because of her anger at me she was ready to rule, and actually did rule, against my client, even contrary to an agreement made between myself and the District Attorney;

b. The Judge had me removed from the courtroom notwithstanding that I was simply sitting and observing, and not in any way creating the slightest disturbance. Not only was this a violation of my rights as a citizen, but it prevented my client from consulting with me for personal advice at a time when he was representing himself.

Please take the appropriate action.

Respectfully submitted,



---

MICHAEL MANTELL

cc: Chairman of the Committee of Judiciary  
of The Association of the Bar of the City of New York

CRIMINAL COURT OF THE CITY OF NEW YORK - COUNTY OF NY

ORI No: \_\_\_\_\_  
Order No: \_\_\_\_\_  
NYSID No: 27,924R

Order of Protection  
Non-Family Offense - CPL 530.13  
 Youthful Offender (check if applicable)

Present: Hon. \_\_\_\_\_, Judge (Justice)

PEOPLE OF THE STATE OF NEW YORK  
against  
ARBEI SIEGONOWO, Defendant  
Date of Birth: \_\_\_\_\_

Part: 121 Docket No. 8200352  
Charges: 12.15  
 Ex Parte (check one)  
 Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of  recognizance  release on bail  adjournment in contemplation of dismissal].

ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation] \_\_\_\_\_

AND the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:  
(Check Paragraphs Which Apply)

- Stay away from \_\_\_\_\_ and/or from the \_\_\_\_\_
- [name(s) of protected person(s)] \_\_\_\_\_
- home of \_\_\_\_\_
- school of \_\_\_\_\_
- business of \_\_\_\_\_
- place of employment of \_\_\_\_\_
- (other) \_\_\_\_\_

Refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged offense and such members of the family or household of such victim or victims as shall be specifically named [specify victims or persons] Tina Miller

Surrender any and all firearms owned or possessed, including, but not limited to, the following: \_\_\_\_\_  
Such surrender shall take place on or before [specify date/time] \_\_\_\_\_ at: \_\_\_\_\_

Permit [specify individual] \_\_\_\_\_ while accompanied by a police officer, to enter the residence during [specify date/time] \_\_\_\_\_ to remove personal belongings not in issue in litigation;

Specify other conditions \_\_\_\_\_

IT IS FURTHER ORDERED that the above named defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00 is hereby:

- suspended or  revoked (note: final order only), and/or  the defendant shall remain ineligible to receive a firearm license during the period of this order. (check all applicable boxes).

Note: if this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, NY 12226-2252.

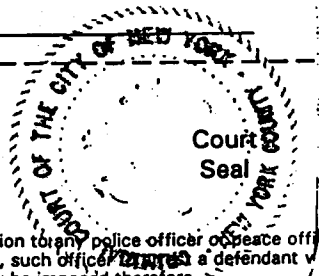
IT IS FURTHER ORDERED that this order of protection shall remain in effect until 12-27

DATED: 7-1-98 \_\_\_\_\_  
JUDGE/JUSTICE

Defendant advised in Court of issuance of Order.  
Received by Defendant \_\_\_\_\_  
(Defendant's Signature)

Service Executed: \_\_\_\_\_  
(Date) (Time)

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.



Original on court papers - One copy to complainant - One copy to defendant - One copy to police - One copy to defense counsel

ORI No: \_\_\_\_\_

Order No: \_\_\_\_\_

NYSID No: 37082402

Order of Protection  
Non-Family Offense - CPL 530.13  
 Youthful Offender (check if applicable)

Present: Hon. Recant, Judge (Justice)

PEOPLE OF THE STATE OF NEW YORK  
against  
\_\_\_\_\_  
Defendant  
Date of Birth: 1-25-8

Part: API Docket No. 18-100  
Charges: \_\_\_\_\_  
 Ex Parte (check one)  
 Defendant Present in Court

NOTICE: YOUR FAILURE TO OBEY THIS ORDER MAY SUBJECT YOU TO MANDATORY ARREST AND CRIMINAL PROSECUTION, WHICH MAY RESULT IN INCARCERATION FOR UP TO SEVEN YEARS FOR CONTEMPT OF COURT. IF THIS IS A TEMPORARY ORDER OF PROTECTION AND YOU FAIL TO APPEAR IN COURT WHEN YOU ARE REQUIRED TO DO SO, THIS ORDER MAY BE EXTENDED IN YOUR ABSENCE AND CONTINUE IN EFFECT UNTIL YOU REAPPEAR IN COURT.

- TEMPORARY ORDER OF PROTECTION - Whereas good cause has been shown for the issuance of a temporary order of protection [as a condition of  recognizance  release on bail  adjournment in contemplation of dismissal].
- ORDER OF PROTECTION - Whereas defendant has been convicted of [specify crime or violation] \_\_\_\_\_

AND the Court having made a determination in accordance with section 530.13 of the Criminal Procedure Law,

IT IS HEREBY ORDERED that the above-named defendant observe the following conditions of behavior:  
(Check Paragraphs Which Apply)

- Stay away from \_\_\_\_\_ [name(s) of protected person(s)] \_\_\_\_\_  
and/or from the \_\_\_\_\_ [home of] \_\_\_\_\_  
[school of] \_\_\_\_\_  
[business of] \_\_\_\_\_  
[place of employment of] \_\_\_\_\_  
[other] \_\_\_\_\_
- Refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged offense and such members of the family or household of such victim or victims as shall be specifically named [specify victims or persons] \_\_\_\_\_
- Surrender any and all firearms owned or possessed, including, but not limited to, the following: \_\_\_\_\_  
Such surrender shall take place on or before [specify date/time] \_\_\_\_\_ at: \_\_\_\_\_
- Permit [specify individual] \_\_\_\_\_, while accompanied by a police officer, to enter the residence during [specify date/time] \_\_\_\_\_ to remove personal belongings not in issue in litigation;
- Specify other conditions \_\_\_\_\_

IT IS FURTHER ORDERED that the above named defendant's license to carry, possess, repair, sell or otherwise dispose of a firearm or firearms, if any, pursuant to Penal Law §400.00 is hereby:

- suspended or  revoked (note: final order only), and/or  the defendant shall remain ineligible to receive a firearm license during the period of this order. (check all applicable boxes).

Note: if this paragraph is checked, a copy of this form must be sent to: New York State Police, Pistol Permit Section, State Campus Building #22, 1220 Washington Avenue, Albany, NY 12226-2252.

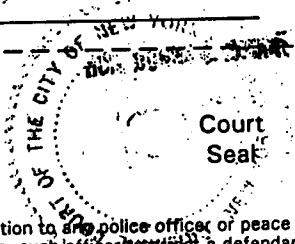
IT IS FURTHER ORDERED that this order of protection shall remain in effect until 10-27-98

DATED: 9-14-98 \_\_\_\_\_ JUDGE/JUSTICE

Defendant advised in Court of issuance of Order.  
Received by Defendant \_\_\_\_\_  
(Defendant's Signature)

Service Executed: \_\_\_\_\_ (Date) \_\_\_\_\_ (Time)

The Criminal Procedure Law provides that presentation of a copy of this order of protection to any police officer or peace officer acting pursuant to his or her special duties shall authorize, and in some situations may require, such officer to arrest a defendant who has violated its terms and to bring him or her before the Court to face whatever penalties may be imposed therefor.



Original on court papers - One copy to complainant - One copy to defendant - One copy to police - One copy to defense counsel

1 CRIMINAL COURT OF THE CITY OF NEW YORK  
2 COUNTY OF NEW YORK PART: AP-1

3 -----X  
4 THE PEOPLE OF THE STATE OF NEW YORK,

5 -against-

Docket No.  
98N083358

6 ALBERT STRIGNANO,

7 Defendant.

Proceedings

8 100 Centre Street  
9 New York, New York  
10 September 14, 1998

11 B E F O R E:

HON. DONNA G. RECANT, JUDGE

12 A P P E A R A N C E S:

13 FOR THE PEOPLE:

14 ROBERT M. MORGENTHAU, ESQ.  
15 DISTRICT ATTORNEY, NEW YORK COUNTY  
16 BY: William Hauptman, Esq.  
17 Alan Louie, Esq.  
18 Assistant District Attorneys

19 FOR THE DEFENDANT:

20 Michael Mantell, Esq.  
21 400 Madison Avenue, Suite 1411  
22 New York, New York

23 EVELYN TORRES, RPR  
24 OFFICIAL COURT REPORTER  
25



COURT OFFICER: Add to the calendar

112, Albert Strignano.

DEFENSE ATTORNEY: Your Honor.

THE COURT: This is on for corrob.

MR. HAUPTMAN: Judge, can we approach.

I have a note here that the assistant asked that I  
make a record of with you.

THE COURT: Yeah. Come on up.

(Off-the-record discussion.)

THE COURT: Do you have a corroborating  
affidavit?

MR. HAUPTMAN: No, your Honor. People  
do not at this time. The People would request an  
extension of the order of protection. It's my  
information the complainant is coming to the DA's  
office this week.

THE COURT: Order of protection.

MR. MANTELL: For what?

THE COURT: For what?

MR. HAUPTMAN: Just handing it up,  
Judge.

THE COURT: They live together? What's  
the relationship?

MR. HAUPTMAN: Judge, I don't have

1 a file. If you'd like, I can get the assigned  
2 assistant down here. This is an add on to the  
3 calendar.  
4

5 THE COURT: Yes.

6 MR. MANTELL: I have not seen the  
7 accusatory instrument. I don't know what crime my  
8 client is charged. He may have seen it, but he was  
9 unfamiliar with this. The last time he was here he  
10 had a public defender, and apparently the explanation  
11 didn't sink in.

12 I can tell you this, however, I speak  
13 on the record as an officer of the Court. This is  
14 a civil dispute, and I have documentation to verify  
15 that he's in court now. And at the time this  
16 altercation arose, there was an argument between Mr.  
17 Strignano and his partner.

18 THE COURT: And what?

19 MR. MANTELL: It was an argument  
20 between Mr. Strignano and a punitive partner in the  
21 premises; and the police were called because she didn't  
22 have a lawyer. I believe my client was inebriated  
23 at the time.

24 THE COURT: What premise is this?

25 MR. MANTELL: This is the beauty salon

1 at 59th he operates.

2 THE COURT: He operates. He manages  
3 a beauty salon. He owns it?

4 MR. MANTELL: No. He is a partner  
5 with someone else in the beauty salon. It's a  
6 complicated legal relationship. It's not a simple  
7 straight forward one. In any event, at that time,  
8 the other person, Tina, did not have an attorney.  
9 Now pursuant to a letter from me, I had him change  
10 the locks, which he has a contractual right to do.

11 Miss Azizy, instead of calling the  
12 attorney, called the police. There was no violation.  
13 On Friday -- not Friday, some evening last week now  
14 subsequent thereto Miss Azizy hired a lawyer whose  
15 name is Michael Phelan. And the DA can elicit, verify  
16 this information.

17 THE COURT: Sir.

18 MR. MANTELL: Saying there is no  
19 dispute left anymore. Mr. Phelan and I worked things  
20 out. One of the things I said until we sign off they  
21 can both work peacefully, nothing interfering with  
22 the other. He said, of course. It's on this basis  
23 I'm asking for dismissal. But I certainly ask that  
24 the order be vacated. My client can't run his  
25

1 business. It's his business with several employees.

2  
3 THE COURT: I can't kick him out of  
4 his business based on no corroborating affidavit and  
5 no record whatsoever of the DA having spoken to the  
6 complaining witness; or the fact that there was any  
7 threats made to the complaining witness. I'm not  
8 going to kick him out of his business on a civil  
9 dispute. There is no indication of that. Because  
10 of something he may have said to police officer.  
11 That is not basis to issue the order.

12 MR. HAUPTMAN: Judge, would it be  
13 possible to get a brief second call? I'd like to  
14 get the assigned assistant, who knows about the case.

15 THE COURT: Fine. Get the assigned  
16 assistant. Maybe, counsel, you can talk to the  
17 assigned assistant and get an offer from this attorney  
18 that you are claiming.

19 MR. MANTELL: I'd like him to go to  
20 his place of business this afternoon.

21 THE COURT: I understand that. We  
22 are going to do it right now.

23 MR. MANTELL: Immediately?

24 THE COURT: Right now. Second call.

25 (Whereupon case was recalled.)

COURT OFFICER: Recalling number 112,

Albert Strignano.

DISTRICT ATTORNEY: Alan Louie, L-  
o-u-i-e.

THE COURT: Did you work something  
out?

MR. MANTELL: Well, I don't think  
so. I told Mr. Louie the matter. It's a civil  
dispute. It's in the process. It's a case for  
resolution. I was to inform Mr. Phelan, who is Miss  
Azizy's attorney. I said to Mr. Louie I want to see  
the accusatory instrument. Apparently, there is no  
accusatory instrument in the file. There is none.

THE COURT: But I have one.

MR. MANTELL: I have not seen, nor  
have I seen the affidavit. May I take a look at this,  
please, Judge.

THE COURT: Sure. There is no  
affidavit.

MR. LOUIE: Good morning, Judge.  
Alan Louie for the People.

THE COURT: The issue for me right  
now -- I really don't care about this -- has to do  
with the order of protection. What is the story?

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MR. LOUIE: According to the arraignment notes, the judge indicated that -- the judge wanted me to investigate the status of the business.

THE COURT: I got your note.

MR. LOUIE: Okay.

THE COURT: But I want to know why should I exclude him from the business when it is obvious this is a civil dispute.

MR. LOUIE: This isn't a civil dispute. However, what happened last Thursday was that this defendant, when he was drunk, took a knife and he put it to the complaining witness's face and he threatened her. That's why I feel there is a need for the order of protection.

THE COURT: Fine. Where is your corroborating affidavit?

MR. LOUIE: I spoke to the complaining witness this weekend over the telephone. I'm going to schedule her to come in at the end of this week.

THE COURT: According to counsel though it's been resolved with her civil attorney. They are willing to work. She's willing to work with him.

MR. LOUIE: I spoke to the complaining

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1 Proceedings 8  
2 witness on Saturday, so I don't know if that happened  
3 subsequent to that.

4 MR. MANTELL: Friday I spoke with  
5 Mr. Phelan. On Saturday.

6 THE COURT: Would you call her now,  
7 find out.

8 MR. MANTELL: I spoke to Mr. Phelan,  
9 the attorney.

10 THE COURT: Could you do that. Second  
11 call.

12 MR. LOUIE: Yes.

13 THE COURT: Third call.

14 (Whereupon case was recalled.)

15 COURT OFFICER: Recall 112, Albert  
16 Strignano.

17 THE COURT: All right. What is the  
18 status of this case? I ordered the assistant to  
19 contact the complaining witness so that I can make  
20 a determination on the order of protection.

21 MR. HAUPTMAN: Judge, I left him a  
22 message on voice mail. I know he is in Jury 13 summing  
23 up on trial right now. I called the T.P.A. He was  
24 not at his desk. I have no further information.  
25 I can go to Jury 13, wait for him to finish summing

1 up.

2 THE COURT: That's not acceptable.

3 MR. MANTELL: Your Honor, I spoke  
4 with the attorney, who I understand his name is Mr.  
5 Louie. I also showed him part of my file, and my  
6 notes. I said this is a civil matter.  
7

8 THE COURT: I know. I heard that  
9 already.

10 MR. MANTELL: Mr. Phelan, who is the  
11 attorney for Miss Azizy agrees with me. And I just  
12 ask the Court to make my record. I asked Mr. Louie:  
13 I asked Mr. Louie to call Mr. Phelan, whose name and  
14 phone number I gave him. Mr. Louie did call Mr.  
15 Phelan. Mr. Louie confirmed to me he understands  
16 Mr. Phelan. The understanding between Mr. Phelan  
17 and I is both parties are going to work this thing  
18 peacefully. If we don't make an accord, it will be  
19 in Supreme Court.

20 Meanwhile I have an arrangement with  
21 the DA that he would withdraw the order of protection  
22 to the extent my client was allowed to go to his  
23 business initially to that. But then I spoke to my  
24 client. My client, of course, has no interest in  
25 going to the complaining witness's home or anything



1 like that. He wants to conduct his business in  
2 ordinary manner, as Mr. Phelan agreed. That's all  
3 I'm asking for. I'm not asking for anything else.

4  
5 THE COURT: If you say that the  
6 assistant DA agreed to limit the order of protection,  
7 how come the order of protection I have here doesn't  
8 have any such limitation, nor did the assistant make  
9 that representation to the Court?

10 And quite frankly, counsel, what I  
11 have been trying to do for the last half hour is get  
12 a response from the DA's office. I have been trying  
13 to help you. Instead you are shaking your finger  
14 at this Court. And you think, and you think that  
15 you have a right to be disrespectful to me, but you  
16 don't.

17  
18 I said that what do you want me to  
19 do? I have tried to get a response from the DA's  
20 office. You are telling me you already got one.  
21 This is the first I'm hearing of that. I have no  
22 indication from the DA's office to that affect. I  
23 say to you fine. Do you want a hearing, and you open  
24 up a fresh mouth to me. Okay. I don't appreciate  
25 it. I don't need it. You work out something with  
the DA's office, that's fine. Work it out with them.

1 I don't need to be involved.

2 MR. MANTELL: Well, what is being  
3 worked out.

4 THE COURT: Supposedly according to  
5 you, you worked out the order of protection to be  
6 limited. I don't see it.

7 MR. MANTELL: If your Honor lets me  
8 finish, Judge. I want to make this point. It's very  
9 important to me. I believe that the Court is somehow  
10 and inappropriately become offensive because the Court  
11 has allowed its personality to interfere. This man  
12 is suffering.

13 THE COURT: You are excused. You  
14 are excused. You are excused. The date is October  
15 27.

16 MR. MANTELL: What date? What's the  
17 date?

18 THE COURT: Okay 27. Order of  
19 protection is extended.

20 MR. MANTELL: There is no affidavit.

21 THE COURT: October 27 for corrob.

22 MR. MANTELL: There is no affidavit  
23 accusing my client of anything.

24 COURT OFFICER: October 27. You are  
25

1 excused. Step out, counsel.

2 THE COURT: Your client will remain  
3 for the order of protection.

4 MR. MANTELL: What order of protection,  
5 Judge?

6 THE COURT: Order that I just issued,  
7 sir. Sit down.

8 COURT OFFICER: Have a seat, please.

9 (Whereupon case was recalled.)

10 COURT OFFICER: Recall 112, Albert  
11 Strignano.

12 THE COURT: Sir, I have attempted to  
13 resolve what would otherwise appear as a disagreement  
14 between the Court and your attorney. It has not.  
15 It has failed. And, therefore, it was my understanding  
16 when I asked your attorney to step in the back so  
17 I could attempt to resolve this matter not with respect  
18 to the merits of your case. I really know nothing  
19 about the merits. I'm not deciding anything with  
20 respect to the merits of the case.

21 It is my understanding from your  
22 attorney initially that you wish he be relieved on  
23 this case. Is that indeed your position? Do you  
24 wish your attorney to be relieved on this case? You  
25

1  
2 wish to get new counsel?

3 MR. STRIGNANO: Yes. Could I do it  
4 myself, your Honor?

5 THE COURT: You wish to proceed pro  
6 se? You wish to proceed on your own?

7 MR. STRIGNANO: Yes. If I can do  
8 it now, yes.

9 THE COURT: Well, it is my  
10 understanding from the DA's office that the assigned  
11 assistant who we need to speak to with respect to  
12 the order of protection --

13 MR. STRIGNANO: I can wait.

14 THE COURT: -- is finishing summing  
15 up on a case --

16 MR. STRIGNANO: I will wait.

17 THE COURT: -- in a trial part. We're  
18 just simply indicating to see when he gets here.  
19 I will also ask for the supervisor from the DA's office  
20 to come down on that matter of the order of protection.  
21 Doesn't have to do with the merits of the case, but  
22 the matter of the order of protection can be resolved  
23 so that if possibly you can continue in your business.  
24 I have tried to do that.

25 I cannot make it go any faster than

1 it is going. If you wish to remain and then to appear  
2 on your own, that's just fine.

3 MR. STRIGNANO: Okay.

4 THE COURT: But that means forever.

5 That means I'm not going to relieve your attorney  
6 just for today. That means forever. If you still  
7 wish to have him for counsel, that's fine. I will  
8 resolve this matter in which I would otherwise have.

9 I'm not holding it against you because  
10 I feel your attorney's behavior is inappropriate.  
11 I'm not going to do that. So I'm just simply telling  
12 you if you wish to have him as your attorney, that's  
13 fine.

14 The case will be decided in the same  
15 way it would otherwise have been decided. I just  
16 can't make it happen any faster.

17 MR. STRIGNANO: I will.

18 THE COURT: Okay. You wish to proceed.

19 MR. STRIGNANO: I really wish to  
20 proceed.

21 THE COURT: You wish him off the case?

22 MR. STRIGNANO: Yes.

23 THE COURT: Okay. He is relieved.

24 He is never going to be in front of this case in front  
25

1  
2 of any judge anywhere. Do you understand?

3 MR. STRIGNANO: Yes.

4 MR. MANTELL: Judge, in Criminal Court  
5 in this case.

6 THE COURT: Yeah. In the criminal  
7 matter. Okay. You may remain in the courtroom, and  
8 we will try to resolve the order of protection.

9 MR. MANTELL: Thank you.

10 (Whereupon case was recalled.)

11 COURT OFFICER: Recall 112, Albert  
12 Strignano.

13 THE COURT: All right. Okay. First  
14 of all, before we begin, there was something that  
15 you said to me that was not on the record before.  
16 What was that?

17 MR. STRIGNANO: I apologize.

18 THE COURT: You apologize for what?

19 MR. STRIGNANO: I don't want to say  
20 any more.

21 THE COURT: No. What you said to  
22 me afterward is that you apologize for your attorney.  
23 No, you didn't. You said, I apologize for my attorney.  
24 Is that what you said?  
25

MR. STRIGNANO: That's what I said.

1 Okay. Okay. That's what I said. Okay.

2 THE COURT: What you said is that  
3 you apologize for your attorney. That's not a problem.  
4 You did not do anything. As I told you before, this  
5 case will be decided straight down the line as I would  
6 in any other case. That is not going to be held  
7 against you because, in my opinion, your attorney's  
8 conduct was inappropriate. You obviously had some  
9 feeling about that yourself. But you did apologize  
10 to the Court for your attorney's behavior, which was  
11 not on the record before.  
12

13 MR. STRIGNANO: That's correct.

14 THE COURT: In any event, certainly  
15 don't feel you have done anything wrong. I will decide  
16 this case with the further information from the DA's  
17 office. The only issue that I have before me is the  
18 order of protection, whether or not it will be limited.  
19 So now I have the assigned assistant, who was busy  
20 on trial before. Now you are here.

21 MR. LOUIE: I apologize your Honor.  
22 What had happened I came in this morning. I had a  
23 conversation. I called the complainant's attorney,  
24 who indicates that he was in contact with the  
25 complaining witness in the case. Indicates that at

1 present there is an ongoing business dispute between  
2 the defendant and Miss Azizy; and that in order to  
3 work this out it would be best interest for the order  
4 of protection to be limited. And that the defendant  
5 be precluded from assaulting her, harassing or  
6 threatening the complaining witness.  
7

8 THE COURT: Fine. Okay.

9 MR. LOUIE: So he will be able to  
10 enter the business premises.

11 THE COURT: You may conduct your  
12 business as usual. Just have to be very careful to  
13 keep control of your temper. Don't threaten her.  
14 Don't engage in any kind of conduct that could be  
15 considered intimidating or bullying or anything like  
16 that. Just go about your business and the case.

17 MR. STRIGNANO: She lied when she  
18 said I took a knife. I'm afraid she's going to do  
19 it again. That's why I'm afraid to go back to the  
20 business.

21 THE COURT: I really could not in  
22 any way decide the merits of the case at this point.  
23 She's not signed a sworn affidavit to that affect.  
24 I don't have anything like that in front of me yet,  
25 so we are going to adjourn the case. There is nothing



1 I can do at this juncture with respect to the merits  
2 of her allegations. Do you understand? Only thing  
3 I can do is tell you that you cannot be the person  
4 who initiates any kind of offensive contact. Do you  
5 understand that? Since you claim that you weren't  
6 the person before, it shouldn't be a problem, right?  
7 All right. So stay out of trouble. Go back to work  
8 Do what you need to do.

9  
10 MR. STRIGNANO: I can go back and  
11 how about the charge, all dismissed?

12 THE COURT: No. They are not  
13 dismissed. Nothing has been dismissed. The charges  
14 still exist. She has not yet sworn. The complaining  
15 witness has not yet signed a corroborating affidavit,  
16 but they are still pending. You will have to come  
17 back to court on October 27. Do you understand that?

18 MR. STRIGNANO: No what matter what,  
19 I have to come back?

20 THE COURT: You have to come back  
21 to court on October 27.

22 MR. STRIGNANO: Even if she signs?  
23 Didn't happen or anything?

24 THE COURT: If that should be the  
25 case, you will be notified by the DA. I suggest very

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Proceedings 19  
heavily you get yourself an attorney. October 27.  
Wait for the copy of the order of protection. That's  
it.

MR. LOUIE: Initial attorney is  
relieved from this case?

THE COURT: I did relieve him, yes.

MR. LOUIE: Okay.

THE COURT: Attorney relieved at  
defendant's request.

THE ABOVE IS CERTIFIED  
TO BE A TRUE AND CORRECT  
TRANSCRIPT OF THE PROCEEDINGS  
Cuekyn Jones  
OFFICIAL COURT REPORTER

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PAYABLE TO: EVELYN TORRES, RPR  
100 Centre Street, Rm. 317  
New York, New York 10013

DATE: November 5, 1998

TO: Michael Mantell, esq.  
400 Madison Avenue, Suite 1411  
New York, New York 10017

RE: People v. Strignano  
Docket No. 98N083358  
Date of proceedings -- 9/14/98

TOTAL: \$26.13  
19 pages @ \$1.375

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(Private Party Transactions)

(UCS-2/1/98)

Please Type or Print Clearly

1. Criminal Court, New York County.  
Part No. API Name of Judge/Justice Recast

2. Name of Case People v. Albert Strignano

3. Court Docket/File/Index Number 9811083358 4. Date(s) of Minutes Requested 9-14-98

5. Type of Proceeding (check one or more):

Arraignment  Application  Hearing  Plea  Trial  Sentence

Other (specify): Calendar calls

6. Unless otherwise agreed, a court reporter shall be paid at a rate of \$1.375 per page for furnishing a transcript (See CPLR §8002 and Section 108.2(b)(1) of the Rules of the Chief Administrator [22NYCRR]).

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Court Reporter (signature)

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Attorney/Party (signature)

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Date of Agreement

Name of Court Reporter: Evelyn Torres  
Address 100 Centre Street, Rm 317  
NYC, NY 10013  
Telephone Number 212 374 6544  
Fax Number \_\_\_\_\_

Name of Attorney/Party Michael Manelli  
Firm/Address 400 Madison Ave  
NYC, NY  
Telephone Number \_\_\_\_\_  
Fax Number \_\_\_\_\_

A copy of this agreement must be filed by the court reporter with the local Administrative Judge or designee within 7 calendar days following the date of agreement.

MANTELL & HASKEL, Esqs.  
ATTORNEYS AT LAW  
400 MADISON AVENUE - SUITE 1411  
NEW YORK, NY 10017  
TEL: (212) 750-3896 FAX: (212) 750-4057

MICHAEL MANTELL  
MICHAEL A. HASKEL  
AMY CHRISTIANSON

*Of Counsel:*  
EDMUND H. MANTELL

October 20, 1998

Sean Manette, Investigator  
Commission on Judicial Conduct  
801 Second Avenue  
13th Floor  
New York, N.Y. 10017

RE: HON. DONNA RECENT-JUDGE OF THE CRIMINAL  
COURT OF THE CITY OF NEW YORK: COUNTY OF NEW YORK

Dear Mr. Manette:

I forgot to enclose with my copy of my letter to the reporter the items you requested, i.e., Judge Recant's two orders of September 14, 1998. Please find them enclosed herewith.

I hope that by now you or someone on your staff has spoken with Court Officer Sgt. Frank Graniero.

Thank you for your continued courtesy and cooperation herein.

Very truly yours,



MICHAEL MANTELL

MM:br

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