

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY CERTIFIED MAIL/RRR: 7001-0320-0004-5457-4941

December 26, 2003

Governor George Pataki
Executive Chamber, The Capitol
Albany, New York 12224

ATT: W. Brooks DeBow, Deputy Counsel

RE: Publicly-Available Materials Pertaining to Governor Pataki's
Appointment of Robert S. Smith, Esq. to the New York Court of Appeals

Dear Deputy Counsel DeBow:

This responds to your December 12, 2003 letter acknowledging receipt of what you describe as "[our] Freedom of Information Law (FOIL) request for 'materials pertaining to Governor Pataki's appointment of Robert S. Smith to the New York Court of Appeals' ...".

Be advised that our aforesaid December 6, 2003 request did not invoke F.O.I.L. Moreover, with respect to our request therein for "the financial statement that Mr. Smith was required to submit", we invoked Judiciary Law §63.4, which states:

"...The governor shall make available to the public the financial statement filed by the person appointed to fill a vacancy".

Please respond expeditiously.

Thank you.

Yours for a quality judiciary,



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

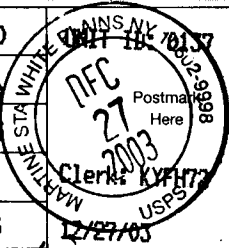
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Att: W Brooks DeBruin
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 City, State, ZIP: *Albany, NY 12224*

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Att: W Brooks DeBruin
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Albany, NY
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