

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

CRIMINAL DIVISION

Corrected Page

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UNITED STATES OF AMERICA :  
 :  
 v. :  
 :  
 ELENA SASSOWER, : Docket No.: M-4113-03  
 :  
 Defendant. :  
-----X

Washington, D.C.  
June 28, 2004

The above-entitled action came on for a hearing before the Honorable BRIAN HOLEMAN, Associate Judge, in Courtroom Number 218.

APPEARANCES:

On behalf of the Government:

AARON MENDELSON, Esquire  
JESSIE LIU, Esquire  
AMANDA WILLIAMS, Esquire  
Assistant United States Attorneys

On behalf of the Defendant:

ELENA SASSOWER, Pro Se  
White Plains, New York

MARK GOLDSTONE, Esquire  
Attorney Advisor  
Washington, D.C.

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P R O C E E D I N G S

1  
2 THE DEPUTY CLERK: The United States versus Elena  
3 Sassower, M-4113-03.

4 MR. MENDELSON: Aaron Mendelsohn for the United  
5 States. Good morning, Your Honor.

6 THE COURT: Good morning, Mr. Mendelsohn, Ms.  
7 Sassower and Mr. Goldstone.

8 MS. SASSOWER: Yes. Your Honor, I drove down from  
9 New York so that I might be able to transport the materials  
10 that are necessary, which I had expected to have beside me at  
11 my sentencing, since they are my silent witnesses and  
12 corroborative of my innocence.

13 I have been told by the Marshal that I need your  
14 permission to bring them forward.

15 THE COURT: Ordinarily, the permission would not be  
16 required except, Ms. Sassower, this stack of documents is so  
17 -- I mean, you've got so many documents that it serves no  
18 purpose, except to disrupt this Court.

19 MS. SASSOWER: They won't disrupt the Court, Your  
20 Honor. I will leave them in the back so they can be beside  
21 me at the sentencing. They are corroborative of my  
22 innocence; they are my silent witnesses because I was denied  
23 my right to have live witnesses testifying as to their  
24 contents. Those live witnesses ~~seems~~ -- Senate Judiciary  
25 Chairman Hatch, Ranking Member Leahy, New York's Home State

1 Senators Schumer and Clinton and the complainant on this  
2 bogus, malicious charge against me, ~~me~~ or purported  
3 complainant, Saxby Chambliss.

4 THE COURT: Your request to have the several  
5 document boxes of material present during sentencing is  
6 denied.

7 Is there anything else that you'd like to say, Ms.  
8 Sassower?

9 MS. SASSOWER: Most certainly, there is. I need a  
10 moment to retrieve those specific documents that I need as  
11 part of my presentation.

12 THE COURT: Ms. Sassower, how long is this going to  
13 take? You were to be ready for sentencing at 11:00.

14 MS. SASSOWER: Yes, and I was here at quarter to  
15 10:00.

16 THE COURT: Well, that's not doing us very much  
17 good in that I have now called the case and you appear not to  
18 be ready to go forward.

19 MS. SASSOWER: I am completely ready but I need my  
20 documents.

21 THE COURT: How long will it take you to retrieve  
22 the documents?

23 MS. SASSOWER: Would 10 minutes be reasonable?

24 THE COURT: Ms. Sassower, yes --

25 MS. SASSOWER: Thank you.

1 THE COURT: -- it would be unreasonable.  
2 MS. SASSOWER: Oh, unreasonable.  
3 THE COURT: Yes.  
4 MS. SASSOWER: I said, reasonable.  
5 THE COURT: It will be unreasonable for us to delay  
6 this matter for 10 minutes so that you can retrieve  
7 additional documents that you've had ample opportunity to  
8 pull together.  
9 MS. SASSOWER: I thought that I would be able to  
10 bring them beside me and I only now have been informed that  
11 that is not the case.  
12 THE COURT: Do we have anything we can call in the  
13 interim?  
14 THE DEPUTY CLERK: Yes, Your Honor.  
15 THE COURT: Very well. Ms. Sassower, I'll give you  
16 10 minutes.  
17 MS. SASSOWER: Thank you.  
18 THE COURT: When you reappear at 11:45, have  
19 everything.  
20 MS. SASSOWER: Of course.  
21 THE COURT: But the six or eight or however many  
22 document boxes that are back there on that cart, they will  
23 not come into this courtroom.  
24 MS. SASSOWER: I understood that, Your Honor.  
25 THE COURT: Very well, step back.

1 MS. SASSOWER: I'm just removing specific items.  
2 THE COURT: Step back so we can call another  
3 matter.  
4 (Thereupon, the proceedings were recessed.)  
5 \* \* \* \* \*  
6 (Thereupon, the proceedings were reconvened.)  
7 THE DEPUTY CLERK: Recalling the United States  
8 versus Elena Sassower, M-4113-03.  
9 THE COURT: Mr. Goldstone?  
10 MR. GOLDSTONE: Yes, Your Honor.  
11 THE COURT: Put that box on the floor.  
12 (Pause.)  
13 THE COURT: Mr. Goldstone?  
14 MR. GOLDSTONE: Yes, Your Honor.  
15 THE COURT: Put the box on the floor.  
16 MS. SASSOWER: I asked him for that one box.  
17 THE COURT: I don't care what you asked him to do.  
18 Put the box on the floor.  
19 (Pause.)  
20 MR. MENDELSON: Your Honor, Aaron Mendelsohn for  
21 the United States.  
22 THE COURT: Mr. Mendelsohn.  
23 MS. LIU: Good morning, Your Honor, Jessie Liu for  
24 the United States.  
25 THE COURT: Ms. Liu.

1 MS. SASSOWER: Elena Sassower, the criminal  
2 defendant, pro se.

3 THE COURT: Ms. Sassower.

4 MR. GOLDSTONE: And I'm Mark Goldstone, attorney  
5 adviser. Good morning, Your Honor.

6 THE COURT: Mr. Goldstone.

7 This matter was last here on June 1 for sentencing  
8 and, at the request of Ms. Sassower, the matter was continued  
9 to today for sentencing. At the time of the prior sentencing  
10 hearing, the Government had filed its sentencing memorandum  
11 and, as I recall, Ms. Liu had made the Government's argument  
12 with regard to sentencing recommendation; is that correct,  
13 Ms. Liu?

14 MS. LIU: That's correct, Your Honor.

15 THE COURT: Very well. And so what remains is Ms.  
16 Sassower's statement.

17 Ms. Sassower?

18 Thereupon,

19 ELENA SASSOWER,  
20 having been first duly sworn by the Deputy Clerk, was  
21 examined and testified as follows:

22 THE COURT: Ms. Sassower, I'll hear from you.

23 MS. SASSOWER: Yes. Let the record reflect that  
24 the June 1<sup>st</sup> postponement of the sentencing was in deference  
25 to my right to review and comment on the presentence report

1 of Court Services, which was not completed until May 28<sup>th</sup> and  
2 faxed to me then. And, likewise, to give me an opportunity  
3 to review and comment upon the Government's memorandum in aid  
4 of sentencing, which was not given to me until June 1<sup>st</sup>, that  
5 is the date of sentencing.

6 My rights were to have the opportunity to comment  
7 and I did comment. I have this day provided the Court with  
8 an affidavit of 35 pages reviewing the presentence report, as  
9 well as the Government's memorandum.

10 At the outset, I think it is important to  
11 emphasize that neither Court Services nor the Government,  
12 represented by the U.S. Attorneys Office, feel that  
13 incarceration would be <sup>waranted</sup> -- They do differ as to their  
14 recommendations, and I will address that as follows.

15 Is that what you wish, Your Honor?

16 THE COURT: Well, I think that for your own  
17 purposes, Ms. Sassower, I'm going to give you about four  
18 minutes with this and you can conduct yourself as you see  
19 fit. The purpose here is to make representations to the  
20 Court that you believe would be important to my sentencing  
21 determination.

22 I will note that this is not the forum to  
23 relitigate the matters that the jury has already assessed and  
24 for which you were convicted. It is not the forum for  
25 anything other than to provide the Court with additional

1 information that, in your mind, you believe would be helpful  
2 to a sentencing determination.

3 I will state for you that we need not have a  
4 reiteration of the lengthy affidavit that you filed. That  
5 matter is made of record, it's been reviewed and the question  
6 from the Court is whether there is anything that you wish to  
7 add to that?

8 MS. SASSOWER: Absolutely.

9 THE COURT: Very well. I'll hear from you.

10 MS. SASSOWER: Going first to the Government's  
11 recommended sentence, my affidavit demonstrates that the  
12 Government's memorandum is, throughout, false and misleading,  
13 as well as unethical, in urging a sentence where it has made  
14 no representation that I have had due process. And, as both  
15 of these U.S. Attorneys personally know, from the trial as  
16 well as from the pretrial proceedings, I was denied due  
17 process, I was railroaded to trial, I was wrongfully  
18 convicted.

19 And my view as to their recommendation, which even  
20 still, notwithstanding <sup>they</sup> ~~their~~ comment correctly, that I am  
21 unrepentant, not remorseful, failed to acknowledge any  
22 wrongdoing, notwithstanding all of that, they just don't  
23 know that no jail time would be in order here. And as I have  
24 pointed out in my papers, they wasted tens of thousands of  
25 taxpayer dollars on a worthless, bogus case, never once



1 offering even a plea here when the end-game, as they knew,  
2 was not going to be any jail time.

3 Now going directly, and I would -- as I say, their  
4 memorandum -- there should be no sentencing where the U.S.  
5 Attorney is not willing to state that due process has been  
6 had.

7 But going now to the recommendation of the -- of  
8 Court Services, their recommendation -- in my affidavit, I  
9 make a counterproposal, one which I presented to Senate  
10 Judiciary Committee Chairman Hatch, Ranking Member Leahy, New  
11 York Home-State Senators Schumer and Clinton and Senator  
12 Chambliss. I presented that counterproposal by memorandum,  
13 dated June 24<sup>th</sup>, which I respectfully request that you hand  
14 up to the Court, so that I may comment specifically on the  
15 recommendation of Court Services for community service.

16 I said, to the senators, please be advised that  
17 D.C. Court Services' May 28, 2004 presentence report  
18 recommended that I perform community service. I am perfectly  
19 willing to perform community service so long as it consists  
20 of my working with the Senate Judiciary Committee to develop  
21 ways of facilitating and enhancing citizen participation in  
22 federal judicial selection and, otherwise, advancing the  
23 unimplemented, nonpartisan, good government reform  
24 recommendations -- here it is -- of the Ralph Nader Congress  
25 Project, from 1975; Common Cause, 1986; and the 20<sup>th</sup> Century

1 Fund, 1988, unimplemented. And my question to the senators  
2 was, would this be acceptable to you? And I underlined it  
3 with the next line, if I do not hear from you --

4 THE COURT: Excuse me. Ms. Sassower, I'm going to  
5 ask you questions during the course of this proceeding. And  
6 when you hear me ask you a question, you are to stop speaking  
7 and respond.

8 MS. SASSOWER: Yes, Your Honor.

9 THE COURT: The question that I have for you is  
10 whether that proposal that you made to the incorrect parties  
11 you now incorporate by reference and make to me. That is to  
12 say that you would be willing to perform community service so  
13 long as, and only if, it involves the Senate Judiciary  
14 Committee.

15 MS. SASSOWER: Look --

16 THE COURT: No, no. Ms. Sassower?

17 MS. SASSOWER: Yes.

18 THE COURT: I think that we probably had this  
19 exchange before. I don't look.

20 MS. SASSOWER: Look is just an expression, Your  
21 Honor.

22 THE COURT: Well, don't use it in this courtroom.  
23 Would you respond to my question, please?

24 MS. SASSOWER: The response, as requested in my  
25 affidavit, is it -- actually, Ms. Westry doesn't substantiate

1 -- give any explanation as to why community service is even  
2 appropriate for ~~Washington, D.C.~~, okay? And I have said, in  
3 my affidavit, that I work full-time championing meaningful  
4 and effective mechanisms of judicial selection and  
5 discipline. This is full-time community service that I  
6 already give.

7 But to be accommodating and to constructively move  
8 forward, if the Court is inclined to that particular  
9 recommendation, notwithstanding it is not substantiated, I  
10 have countered and in my memo to the senators of last week,  
11 June 24<sup>th</sup>, I said to them, if I do not hear from you, I will  
12 assume you have no objection, and will so inform the Court at  
13 the June 28<sup>th</sup> sentencing.

14 Now, Your Honor --

15 THE COURT: Ms. Sassower, just so that you know,  
16 the senators really have no responsibility to you to respond.  
17 The issue in that regard -- the issue of your sentencing is  
18 the sole purview of the Court. And even if I were to receive  
19 some document from the Senate Judiciary Committee, documents  
20 which I would not expect to receive, the ultimate decision as  
21 to the sentence imposed in your case will be determined by  
22 me.

23 Now, let me ask you some questions.

24 MR. MENDELSON: Your Honor, may we approach  
25 briefly?

1 THE COURT: Yes.

2 (AT THE BENCH)

3 MR. MENDELSON: (Indiscernible).

4 THE COURT: Very well. Thank you.

5 (OPEN COURT)

6 THE COURT: Very well. Ms. Sassower, would you  
7 state for me -- it's my understanding that you are employed  
8 by the Center for Judicial Accountability. How many hours a  
9 week do you work?

10 MS. SASSOWER: Twenty-four seven.

11 THE COURT: And, Ms. Sassower, at the time of  
12 sentencing, under oath, I don't expect hyperbole. How many  
13 hours a week do you work?

14 MS. SASSOWER: Twenty-four seven.

15 THE COURT: Very well.

16 MS. SASSOWER: My dedication to this work is  
17 reflected by --

18 THE COURT: Ms. Sassower, I'm in the process --

19 MS. SASSOWER: -- all that I have done and by the  
20 presentence report.

21 THE COURT: Excuse me, excuse me, excuse me. I'm  
22 in the process of asking questions pertinent to sentencing.

23 Now it's my understanding that there was a 1993  
24 charge in New York for resisting arrest and obstructing  
25 government. What was the disposition of that?

1 MS. SASSOWER: It's reflected in the presentence  
2 report, Your Honor.

3 THE COURT: State, for the record, the disposition  
4 of that, please?

5 MS. SASSOWER: That needed to be examined in the  
6 presentence report and the presentence report is deficient in  
7 that regard.

8 THE COURT: Ms. Sassower, I am asking you directly,  
9 independent of anything contained in the presentence report,  
10 what was the disposition of the matter? I have dated -- it  
11 looks like January 25, 1993, where you were charged with  
12 resisting arrest, obstructing government and the facts, as I  
13 know them, is that the case was transferred from White  
14 Plains, New York to North Castle Town Court, New York.

15 You were found guilty of obstructing government and  
16 on June 16, 1994, you were conditionally discharged. I want  
17 to know now, Ms. Sassower, what was the disposition of that  
18 matter?

19 MS. SASSOWER: As I recollect -- do I know what  
20 happened to it? No, I don't. The case was bogus and it  
21 vanished, the way my 1996 arrest in Washington vanished. I  
22 don't mean to suggest that --

23 THE COURT: Were you placed on probation in the  
24 matter, Ms. Sassower?

25 MS. SASSOWER: It's -- I do not recall. I know

1 that Ms. Westry indicated she would discuss it with me at  
2 some point. My recollection is she did not, thereafter, and  
3 I inquired if she wanted to speak to me about it.

4 THE COURT: Perhaps you misunderstand. Ms.  
5 Westry's responsibility was to prepare a report; the report's  
6 been prepared. I'm asking you directly. I don't much care  
7 about the exchange between you and Ms. Westry.

8 Did you or did you not serve probation on the 1993  
9 case?

10 MS. SASSOWER: I know that after I was found  
11 guilty, I was sent to some sort of caseworker. I went to  
12 that caseworker, I believe on two occasions, and the result  
13 was that the caseworker was ashamed of the case and didn't  
14 know what to do with it and it simply --

15 THE COURT: Were you found guilty by way of a jury  
16 trial or a bench trial?

17 MS. SASSOWER: Yes.

18 THE COURT: Jury trial?

19 MS. SASSOWER: Yes, but, thereafter, it went to  
20 this caseworker. I went, I believe, twice and the caseworker  
21 was very uncomfortable, didn't know what to do with it and it  
22 vanished.

23 THE COURT: Very well. All right. Ms. Sassower, I  
24 am ready to impose sentence.

25 MS. SASSOWER: May I just add something, please?

1 THE COURT: Very briefly.

2 MS. SASSOWER: Yes. We are all familiar with what  
3 took place on May 7<sup>th</sup> with the Senate Armed Services  
4 Committee hearing at which Donald Rumsfeld testified because,  
5 among other things, there were protesters in the back that  
6 unfurled <sup>a</sup>the banner and shouted out for Defense Secretary  
7 Rumsfeld to be fired.

8 What is not well known, at all, is that with their  
9 disruptive conduct, they were not arrested. Now it has come  
10 to my attention that not only were they not arrested for  
11 disruptive conduct, but apparently there have been other  
12 incidents at committee hearings where individuals have  
13 interrupted questioning, engaged in colloquy with witnesses  
14 while they were testifying, even to the extent of accusing a  
15 witness of being a state terrorist or so considered by the  
16 people of Honduras.

17 THE COURT: I'm ready to pronounce sentence.

18 MS. SASSOWER: The point I'm trying to make is --

19 THE COURT: You've had ample opportunity to make  
20 your point.

21 MS. SASSOWER: -- they were not arrested for --

22 THE COURT: Please be quiet.

23 MS. SASSOWER: -- conduct during a hearing.

24 THE COURT: Please be quiet. I'm about to impose  
25 sentence. Very well. Sentence will be as follows:

1 Ms. Sassower, I'm sentencing you to 92 days; I'm  
2 going to give you credit for any time served in this case.  
3 I'm going to suspend execution as to all remaining time.

4 I will place you on two years probation. During  
5 the probationary term -- well, let me back up then before I  
6 get into the probationary term.

7 You will pay a \$500 fine, within 30 days of the  
8 sentencing date, so that's within 30 days of today.

9 You will pay \$250 to the Victims of Violent Crimes  
10 Compensation Fund within 30 days of today.

11 MS. SASSOWER: Who is the victim of the violent  
12 crime? Where is the violent crime?

13 THE COURT: It's a mandatory assessment, Ms.  
14 Sassower.

15 MS. SASSOWER: I was told --

16 THE COURT: It's a mandatory assessment.

17 MS. SASSOWER: But this is not a violent crime.

18 THE COURT: It doesn't matter. You're a convicted  
19 misdemeanor, be quiet while I complete this order.

20 Now general conditions of probation:

21 You will obey all laws, ordinances, regulations and  
22 incur no arrest for probable cause.

23 You will maintain appointments with your probation  
24 officer.

25 You will abstain from illegal drug use.



1           You will submit to a program of graduated sanctions  
2 that may include brief periods of residential treatment in  
3 the event of illegal drug use or other violations of  
4 conditions of probation.

5           You will notify your probation officer of any  
6 change in your address within 48 hours.

7           And you will obtain the permission of your  
8 probation officer if you plan to leave the jurisdiction of  
9 your residence for more than two weeks.

10           With regard to employment, for each year of your  
11 probation, there is a minimum 40-hour weekly requirement.  
12 You may maintain your current employment with the Center for  
13 Judicial Accountability, Inc., hereinafter referred to as  
14 CJA. If CJA employment is not a minimum of 40 hours per  
15 week, then you must pursue, obtain and maintain additional  
16 work to satisfy this employment requirement.

17           Since CJA is self-employment, you shall maintain  
18 daily time records containing a description of the task  
19 performed and the time expended. You will record, to the  
20 nearest tenth of an hour each entry; block time entries are  
21 not acceptable. Each time sheet must be signed by you to  
22 certify the accuracy of the information contained therein.

23           Community service. You will serve 300 hours of  
24 community service over this two-year term. Two hundred hours  
25 will be served in New York, convenient to your residence.

1 Court Services and Offender Supervision Agency,  
2 which I will refer to, hereafter as CSOSA, will approve  
3 eligible community service through its interstate office.

4 Twenty-five hours of every six-month period must be  
5 served in the District of Columbia. A listing of available  
6 programs in the District of Columbia is submitted herewith;  
7 you'll receive that list today.

8 Under no circumstance will CJA work or related  
9 activities satisfy this requirement. You will notify CSOSA  
10 of the organizations you've selected, the contact persons and  
11 information, the organization descriptions and your duties  
12 for those organizations.

13 Assessments. For every year of your probation, you  
14 will submit to substance abuse, medical and mental health  
15 assessments. Negative findings the first year will not  
16 excuse an assessment for the second year. You will comply  
17 with any testing or treatment regimen determined appropriate  
18 by CSOSA or its reciprocal entity in New York.

19 Therapy. For every six-month period, you will  
20 undergo anger management therapy. The form, setting and  
21 duration of anger management treatment during each six-month  
22 period will be determined by CSOSA or its reciprocal entity.

23 Stay-away. You will stay away from and inside of  
24 any of the buildings that collectively comprise the United  
25 States Capitol Complex; maps are provided herewith.

1           The United States Capitol Complex consists of the  
2 United States Capitol Building, the Congressional Office  
3 Buildings, the U.S. Botanic Garden, the Capitol grounds, the  
4 Library of Congress Buildings, the Supreme Court Building,  
5 the Capitol Power Plant and any other unlisted support  
6 facilities.

7           This order covers generally, though not  
8 exclusively, the following topography:

9           D Street between Louisiana Avenue, N.W. and Third  
10 Street, N.E.; C Street between Third Street, S.E. and Third  
11 Street, S.W.; Third Street between D Street, N.E. and C  
12 Street, S.E.; Third Street between D Street, N.W. and C  
13 Street, S.W.; Louisiana Avenue, N.W., between D Street, N.W.  
14 and Constitution Avenue; and Constitution Avenue between  
15 Third Street, N.E. and Third Street, N.W.

16           This is a general parameter surrounding the Capitol  
17 Complex. The specific buildings are identified as follows:

18           The United States Capitol, the Canon House Office  
19 Building, the Longworth House Office Building, the Rayburn  
20 House Office Building, the O'Neill House Office Building, the  
21 Ford House Office Building, the Russell Senate Office  
22 Building, the Dirksen Senate Office Building, the Hart Senate  
23 Office Building, the U.S. Botanic Garden, the Jefferson  
24 Library of Congress Building, the Adams Library of Congress  
25 Building, the Madison Library of Congress Building, the

1 Supreme Court Building, the Capitol Power Plant.

2 MS. SASSOWER: Excuse me. May I say something?

3 THE COURT: No. Don't interrupt me again.

4 MS. SASSOWER: Will I be able to speak afterwards?

5 THE COURT: Well, you may not. Be quiet while I  
6 complete this.

7 With regard to the prohibited area, there are two  
8 Metro locations that you are prohibited from accessing. One  
9 is Capitol South, the other is Federal Center, S.W.

10 All right, the stay-away not only pertains to  
11 physical location, but it also pertains to individuals.  
12 Except as permitted elsewhere, you will have no verbal,  
13 written, telephonic, electronic, physical or other contact  
14 with the following individuals or their respective staffs for  
15 the entire period of your probation:

16 Senator Hillary Rodham Clinton, Tamara Luzatto,  
17 Leecia Eve, Josh Albert, Senator Charles Schumer, Michael D.  
18 Tobman, Senator Orrin Hatch, Senator Patrick Leahy, Senator  
19 Saxby Chambliss, Judge Richard Wesley, Officer Roderick  
20 Jennings, Special Agent Deborah Lippay, Detective William  
21 Zimmerman and Sergeant Kathleen Bignotti.

22 Now because Senators and Clinton and Schumer  
23 represent your home state, and New York is within Judge  
24 Wesley's appellate jurisdiction, the prohibited contact with  
25 these individuals would be limited to any references to

1 giving rise to, resulting in, or consequent to, your arrests  
2 of June 25, 1996 and <sup>[May]</sup> February 22, 2003. Any facially  
3 legitimate contacts may be scrutinized for cause and if found  
4 to be pretextual, will constitute a violation of your  
5 probation.

6 Finally, letters of apology. Within 30 days of  
7 today, you shall prepare and forward to Senators Hatch,  
8 Leahy, Chambliss, Schumer, Clinton and to Judge Wesley  
9 letters of apology which state the fact of your conviction  
10 for violation of D.C. Code Section 10-503.16(B)4 and your  
11 remorse for any inconvenience caused --

12 MS. SASSOWER: I am not remorseful and I will not  
13 lie.

14 THE COURT: And your remorse for any inconvenience  
15 caused by your actions. Copies of these letters must be sent  
16 to me, the presiding judge.

17 MS. SASSOWER: They will not be sent because they  
18 will not be written.

19 THE COURT: Be quiet. Any effort to communicate  
20 additional information will constitute a violation of your  
21 probation.

22 Now, Ms. Sassower, in this jurisdiction, when a  
23 convicted criminal is given probation --

24 MS. SASSOWER: Wrongfully convicted.

25 THE COURT: When a convicted criminal is given

1 probation, they must accept the probation. The question is  
2 very simple. Do you accept the terms of the probation as  
3 they have been expressed during my presentation to you?

4 Ms. Sassower, the answer is either yes or no. Do  
5 you accept the terms of the probation as I have stated them  
6 to you?

7 (Pause.)

8 MS. SASSOWER: I am requesting a stay of sentence  
9 pending appeal. This case will be appealed.

10 THE COURT: Ms. Sassower, the answer is yes or no.  
11 Do you accept the conditions of your probation?

12 MS. SASSOWER: No.

13 THE COURT: Very well. Then, sentence is imposed  
14 as follows:

15 You are sentenced to six months incarceration.

16 You will pay, within 30 days, following your  
17 incarceration, \$500 as the fine that attaches to the penalty  
18 -- to the offense for which you've been convicted.

19 You will also pay, within 30 days, following your  
20 incarceration, the \$250 compensation -- contribution to the  
21 Victims of Violent Crimes Fund.

22 Ms. Sassower, once again, your pride has gotten in  
23 the way of what could have been a beneficial circumstance for  
24 you. This incarceration begins forthwith; step her back.

25 THE DEPUTY MARSHAL: Ma'am.

1 MS. SASSOWER: (Indiscernible) are uncomfortable.

2 THE DEPUTY MARSHAL: Ma'am, come on.

3 THE DEPUTY CLERK: The Court stands a brief recess.  
4 (Thereupon, the Court had a brief recess.)

5 (Thereupon, the proceedings were recalled.)

6 THE DEPUTY CLERK: Recalling the United States  
7 versus Elena Sassower, M-4113-03.

8 THE COURT: Very well. Ms. Williams.

9 MS. WILLIAMS: Amanda Williams for the Government,  
10 Your Honor.

11 THE COURT: Very well. Ms. Sassower, when we were  
12 last here, I failed to give you your -- the notice of your  
13 right of appeal. You do have the right to appeal your  
14 conviction. The time for filing of an appeal is within 30  
15 days of the day of sentencing. The notice of appeal, which  
16 is the document that is used for that purpose, should be  
17 filed with the Court of Appeals on the 6<sup>th</sup> floor in this  
18 building. You can discuss it further with your attorney  
19 advisor, Mr. Goldstone, but I am giving you notice that your  
20 30 day period for filing the notice of appeal begins to run  
21 today.

22 MS. SASSOWER: Would Your Honor --

23 THE COURT: Thank you.

24 MS. SASSOWER: -- consider staying sentence pending  
25 appeal?

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THE COURT: No. To do so would be to show you favorable treatment that I have not in the past shown any other convicted criminal defendant in this courtroom and I won't start that practice now. So you may step back.

MS. SASSOWER: I want to just --

THE DEPUTY MARSHAL: Let's go, ma'am.

MS. SASSOWER: Could I speak with Mr. Goldstone?

THE DEPUTY MARSHAL: Yes, ma'am, in the back.

(Thereupon, the proceedings were concluded.)

\* \* \* \*



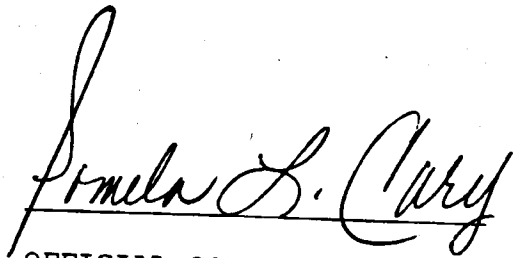
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I, PAMELA L. CARY, an Official Court Transcriber for the Superior Court of the District of Columbia, do hereby certify that in my official capacity I prepared from electronic recordings the proceedings had and testimony adduced in the matter of United States v. Elena Sassower, Docket Number M-4113-03, in said Court, on the 28<sup>th</sup> day of June, 2004.

I further certify that the foregoing 24 pages were transcribed to the best of my ability from said recordings.

In witness whereof, I have subscribed my name this the 15th day of July, 2004.

  
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