

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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Elena Ruth Sassower, Coordinator

BY FAX: (2 pages)

TO: Attorney General Eliot Spitzer [Fax: 212-416-8139]
ATT: David Nocenti, Counsel
Peter Pope, Chief, "Public Integrity Unit"
William Casey, Chief Investigator, "Public Integrity Unit"
Solicitor General Preeti D. Bansal [Fax: 212-416-6350]
Deputy Solicitor General Michael Belohlavek [Fax: 212-416-8962]

FROM: Elena Ruth Sassower, Petitioner-Appellant *Pro Se*
Appeal of *Elena Ruth Sassower, Coordinator of the Center for
Judicial Accountability, Inc., acting pro bono publico, against
Commission on Judicial Conduct of the State of New York (NY Co.
#108551/99: Appellate Division, First Department: September 2001
Term)*

RE: Adjournment/Stay of Appeal to October 2001 Term Pending
Determination of Appellant's August 17, 2001 Motion

DATE: August 13, 2001

This memorializes that other than a one-sentence July 12th letter of Assistant Solicitor General Carol Fischer, transmitting Deputy Solicitor General Belohlavek's signature to a stipulation extending my time to file my Reply Brief to August 17th, I have received NO response to my June 22nd letter to Mr. Belohlavek. Specifically, I have received NO response from Solicitor General Bansal or from Attorney General Spitzer, each recipients of my June 22nd letter, which I sent them certified mail/return receipt.

August 17th is this Friday. On that date, I will be filing an extremely short Reply Brief. The reason for its brevity is explained in its opening paragraph:

"The *only* reply appropriate to the New York State Commission on Judicial Conduct's Respondent's Brief, submitted by its attorney, the New York State Attorney General, is a motion to strike it, to sanction the Commission and the Attorney General, to refer them for

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disciplinary and criminal investigation and prosecution, and to disqualify the Attorney General for violation of Executive Law §63.1 and conflict of interest rules. This, because Respondent's Brief, *from beginning to end*, is based on *knowing and deliberate* falsification, distortion, and concealment of the material facts and law – and because the Commission and Attorney General, *directly and incontrovertibly*, know this to be so, but have failed and refused to withdraw it.” (emphases in the original)


Simultaneous with my Reply Brief, I will be filing a motion for the above-indicated relief. Substantiating the motion is my 66-page May 3, 2001 Critique of Ms. Fischer's Respondent's Brief – the accuracy of which Critique you have NOT denied or disputed in any way – as well as my correspondence with each of you relating to your supervisory obligations to withdraw Respondent's Brief under court-adopted rules of professional responsibility and to take other essential corrective steps.

The above-indicated relief is the second branch of my motion. The first branch is to disqualify the Appellate Division, First Department for self-interest and bias, both actual and apparent. As set forth in my Reply Brief, as well as in my motion:

“the very fact that the Attorney General and Commission would put before this Court such a fraudulent Respondent's Brief – and not withdraw it in face of incontrovertible proof -- bespeaks their confidence that this Court is not a fair and impartial tribunal and will let them get away with anything. No other conclusion is possible.”

I have been informed by the Appellate Division's Motion Clerk, Ron Uzenski, (212-340-0423) that the proper procedure for a motion of this nature is for me to obtain from you a stipulation putting over the appeal to the October 2001 term pending determination of the motion. In the event you will not so stipulate, proper procedure requires that I arrange with you a mutually-convenient time to appear before an Appellate Division justice on an application for the appeal to be adjourned pending determination of the motion. I would request that such time be 3:00 p.m. Friday, August 17th

Please promptly advise as to your preference.



cc: New York State Commission on Judicial Conduct [Fax: 212-949-8864]
ATT: Gerald Stern, Administrator & Counsel
Chairman Henry T. Berger & Commission members

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TRANSMISSION VERIFICATION REPORT

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