

RD 2, Rte. 12B
Sherburne, NY 13460

October 26, 1998

JUDICIAL COMPLAINT

Clerk
U.S. Court of Appeals
United States Courthouse
40 Foley Square
New York, NY 10007

RE: COMPLAINT AGAINST JUDICIAL OFFICER

Dear Clerk:

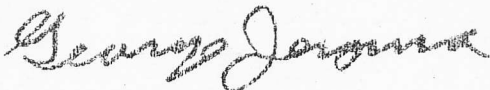
Please submit the enclosed papers to the Judicial Council of the Second Circuit involving a complaint against a judicial officer. We believe the exhibits and complaint meet the requirements of the court procedure, and enclose one original and four copies, and ask that the necessary exhibits be copied from my one single copy enclosed, due to the expense of printing and the poor person status of the claimant.

We shall look forward to the opportunity to testify and prove the allegations and call witnesses who would corroborate my testimony. If you need additional information please call the writers, 607-674-4297.

Thank you and we look forward that justice will once again come back to the American Court system.

Respectfully submitted,

George Jemzura



Raymond Jemzura



Enclosures

cc: Ms. Elena Sassover
Rep. Sherwood Boehlert

JUDICIAL COUNCIL OF THE SECOND CIRCUIT

COMPLAINT AGAINST JUDICIAL OFFICER UNDER 28 U.S.C. § 372(c)

INSTRUCTIONS:

- (a) All questions on this form must be answered.
- (b) A separate complaint form must be filled out for each judicial officer complained against.
- (c) Submit the correct number of copies of this form and the statement of facts. For a complaint against:

a court of appeals judge -- original and 3 copies
 a district court judge or magistrate judge -- original and 4 copies
 a bankruptcy judge -- original and 5 copies

(For further information see Rule 2(e)).

- (d) Service on the judicial officer will be made by the Clerk's office. (For further information See Rule 3(a)(1)).
- (e) Mail this form, the statement of facts and the appropriate number of copies to the Clerk, United States Court of Appeals, United States Courthouse, 40 Foley Square, New York, New York 10007.

1. Complainant's name: Raymond and George Jemzura

Address: RD 2, Rte. 12B
Sherburne, NY 13460

Daytime telephone (with area code): (607) 674-4297

2. Judge or magistrate judge complained about:

Name: Judge Howard Munson

Court: District Court, Northern District of NY,
Syracuse, NY

EITHER

(1) check the box and sign the form. You do not need a notary public if you check this box.

I declare under penalty of perjury that:

- (i) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
- (2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

George Jemzura

 (signature)
 George Jemzura

Raymond Jemzura

 Raymond Jemzura

Executed on October 26, 1998
 (date)

OR

(2) check the box below and sign this form in the presence of a notary public;

I swear (affirm) that--

- (i) I have read rules 1 and 2 of the Rules of the Judicial Council of the Second Circuit Governing Complaints of Judicial Misconduct or Disability, and
- (2) The statements made in this complaint and attached statement of facts are true and correct to the best of my knowledge.

 (signature)

Executed on _____
 (date)

Sworn and subscribed to
 before me _____

 (Notary Public)
 My commission expires:

3. Does this complaint concern the behavior of the judge or magistrate judge in a particular lawsuit or lawsuits?

Yes No

If "yes," give the following information about each lawsuit (use the reverse side if there is more than one):

Court: Federal District Court, Syracuse, NY

Docket number: 97-CV-39 and 97-CV-1030

Docket numbers of any appeals to the Second Circuit:

Not at present time, however, a mandamus ordering said judge comply with Section 453 and demand compliance to said oath to permit claimants to discovery and trial as being necessary for the court to ascertain the facts rather than relying on the perjured false affidavits of defendants lawyers.
Did a lawyer represent you?

Yes No

If "yes" give the name, address, and telephone number of your lawyer:

4. Have you previously filed any complaints of judicial misconduct or disability against any judge or magistrate judge?

Yes No - Not in the Second Circuit

If "Yes," give the docket number of each complaint.

5. You should attach a statement of facts on which your complaint is based, see rule 2(b), and

5. Statement of Facts:

Judge Munson was the fourth assigned judge supposedly to determine and adjudicate fairly, without prejudice, the claim of the Jemzura brothers, Raymond and George Jemzura, where Raymond had owned the homestead farm, since 1975, and had resided during the past 83 years. His residence is located on what is known as the Mussission Road, Town of Lebanon, Madison County, for the past 200 years. In 1947 father, John, granted an easement to New York State Electric & Gas (NYSEG) for electric power which was refused. When father died in May 1963, the claimants continued research as to easements and other information seeking the right to receive power under the U.S. Constitution. The 1924 franchise granted by the Town of Lebanon, and the Transportation Corporation Law, and the October 1993 low income provision (that Raymond was qualified to receive 2,100 feet of line extension to his residence on a public road), so admitted by the attorneys for NYSEG and a legal aide attorney in another case interpreted the Tariff Rule 98.2, indicating that if Raymond's property adjoined or had access to the public road NYSEG must provide electric service to his residence. All that claimants wanted was to be treated equally under the U.S. Constitution and laws, like other neighbors on the same road and all other residents within the town, leaving the claimants as the only residents without electric power to this day.

Numerous actions and motions had been initiated in the State courts, which resulted in unfavorable decisions and the refusal of State judges to address the law and honor the demand for a jury trial. Claimants never had an opportunity for discovery or examine those who presented false signed documents to the State courts and Federal courts.

In 1992 claimants ventured into the Federal court before Judge Cholakis. At the hearing of a 12B Motion attorney Ramundo, representing the Public Service Commission (PSC) lied to the judge stating Musission Road was a private driveway. She later recanted that testimony by a letter to the judge admitting she lied and that the utility can use Mussission public road pursuant to the 1924 Town Franchise. It could have been a simple case and avoided 20 years of litigation had the judges not become co-conspirators with the defendants, not only in State court, but also the Federal court.

This case was filed on September 10, 1997 and incorporated a previous case filed January 10, 1997. A Show Cause was submitted to Judge McAvoy which requested that Governor Pataki and Attorney General Vacco comply with their statutory duties to remove the Commissioner of the PSC, and Vacco to investigate NYSEG. This Show Cause did not ask for money damages but requested mandamus order to force

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compliance with their statutory duties. McAvoy dismissed, claiming absolute immunity when he knew that both were subject the performance of their duties. It was learned later that Judge McAvoy was communicating with one or more defendants in the action and did recuse himself. Judge Kahn was then assigned and he dismissed Case No. 97-CV-39 without taking any evidence and relied upon perjured false affidavits of the lawyers for the defendants, and threatened to sanction claimants if they pursued their alleged right to receive electric power, despite the fact that the attorney for NYSEG offered to provide service to claimants if they would drop the pending lawsuit and not sue them further, and they agreed to provide the necessary line extension attachment to the residence of Raymond, and his cost would be only the consumption of electric power. This was rejected because of 50 or more years of deprivation and the statutory authority that entitled the claimants to receive \$25 a day until service was provided.

Case No. 97-CV-1030 was brought before assigned Judge Munson and again there were three appearances opposing the 12B motion submitted by the defendants. It should be noted that a 12B motion prevents a magistrate judge to hear these issues and quite likely would have been more honest and the Jemzura issues could have been resolved pursuant to the U.S. Constitution and the laws. George appeared and represented himself and the issues concerning the HEAP program that NYSEG's lawyers indicated that Raymond was entitled to receive power pursuant to the Lebanon Town Franchise. I might add that the Town Franchise did not contain any restricted line extension footage and that the cost of such line extension was to be paid by the utility and said utility would provide continued maintenance (refer to page 3 of the Franchise submitted as an exhibit). It is ironic that Judge Munson quite likely had communicated with the defendants and had planned with the defendants that they would be successful and that he would rule favorably for them.

The two appearances before Judge Munson were before a man of silence who did not ask any questions and certainly was not concerned about issues that he had no knowledge of, other than relying upon the false affidavits of NYSEG and the PSC. Judge Munson violated 201, judicial notice requirements, which provide that he shall take judicial notice and that such request was made in the claimants' papers and furnished the necessary information and claimants also requested a hearing. Those requests were denied. No judicial notice was taken, although it is mandatory, which resulted in a decision dated August 3, 1998, and another decision dated October 7, 1998, as the result of a Rule 60 motion.

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I charge that either Judge Munson is senile or his acts as a co-conspirator with the defendants resulted in the deprivation of the U.S. Constitution and laws from which the claimants are entitled to benefit. This includes claimants' rights under Title 42, 1981, the right to a jury trial, the right to file a complaint and petition the government to redress their grievances under the First Amendment, the right to not have their civil rights procedural requirements violated and the right to not have Judge Munson obstruct justice, suborn the perjury of the defendants' lawyers and others, and the right to not make an intentional, willfull, erroneous decision for the benefit of the defendants to the prejudice of the claimants (see Matter of Bolte, 1904, 97 A.D. 551, 90 N.Y.S. 499). It is quite obvious that because the defendants were judges and lawyers, Munson did willfully obstruct justice for the sole purpose to act as an advocate and as a co-conspirator for the purpose to aid and abet the criminal acts of the defendants, although having knowledge of the ongoing conspiracy, he joined the conspiracy and became liable, individually, under Title 42 1986 for all damages involved.

The defendants and Judge Munson had the opportunity to aid in preventing the ongoing conspiracy, but chose not to do so, and therefore became liable under Title 18, Section 241 for the conspiracy which provides for severe penalties. In addition, Munson, while acting under color of law, had the duty and obligation to not threaten, intimidate, etc. the claimants and became liable under Section 242. His decision ignored the meaning of res judicata because the claimants never had an opportunity to present their case for a hearing or a trial and without a hearing and a trial and the ability to call witnesses, deprived the claimants of the 14th Amendment and due process requirements necessary for a fair, just and impartial determination of the issues of law and fact, which were ignored by Munson. His decision is evidenced on August 3 where his concern was to make a protective order for the defendants, including any judges and lawyers who were not alleged at that point in time or any indication that a claim would be filed against them. That decision is equally as corrupt as the one rendered by President Gerald Ford on behalf of President Nixon when he resigned, stating that he would be immune from any suits for any acts that he might have committed, or might commit. It is quite obvious that the conduct of Judge Munson should be investigated by the Justice Department and that Congress should move to impeach and remove said judge from the bench.

In reading the Bolte case, it is quite clear that the acts of Munson are equivalent to the acts committed in the Bolte case and, further, the acts of Munson resulted in his shedding of judicial immunity and became that of a private person.

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I realize that the decision makers are judges and lawyers and what I have seen on television as to the conduct and the prosecution and possible impeachment proceeding causes me to question the integrity of government officials investigating and deciding cases against other public officials, such as one judge deciding the illegal conduct of another judge. It should be noted that our Commission on Judicial Conduct, by reviewing their report, indicates that small town justices are the bad guys. They remove a lot of them in comparison to judges of record in the Supreme Court and there is one judge in the whole year who is disciplined or reprimanded. The average American, doesn't buy it. Personally, I would rather have a small town justice decide my case, if they had jurisdiction, because I find that our local people who become justices are a lot more honest, and that goes for female judges.

I assume that you will get copies of the January 10 and September 10 complaints filed by the claimants. I am not submitting due to cost of reproduction and the fact that my brother is a poor person and has received a poor person status in the U.S. Supreme Court and also did request a poor person status before Judge Munson and copies of the oral argument transcript in regard to the opposition to the 12B motion by the defendants. It should be noted that it is a violation of due process when a motion with supporting affidavits and opposing affidavits cannot be determined by the court based on such affidavits but must go to trial. The facts in the claimants' case are that an opportunity for a trial and a hearing have been denied in both Federal and State courts. And that's what they call democracy and that's what they mean when the American flag is saluted - equal justice for all. What happened to that justice in the claimants' case?

Raymond fought for democracy, freedom and justice. He was fortunate to come home from the African battleground in one piece. Now he seeks justice. Do we have judges who are sitting on the bench rather than facing criminal prosecution? In my papers we had requested and swore to under oath as to the truth of our submitted facts and asked the judge to honor that as admissible evidence or to impanel a Federal Grand Jury where we can have an opportunity to tell our peers once and for all the corruption, conspiracy and obstruction of justice, by the adjudicators of law.

I am sending with this complaint the original and four copies. I am also sending only one copy of the August 3, 1998 decision, one copy of my August 11, 1998 motion for Rule 60 supported by 57 exhibits of documentary evidence, and one copy of the decision pertaining to the Rule 60 motion. Presently our constitutional right to file a

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complaint or motion has been violated and our right to comply with the U.S. Constitution and laws have been violated and restricted and we can longer go into the court to redress our grievances by petition or additional claims against several other public officials acting under color of law who have violated Title 42 1986 and should become defendants in another lawsuit.

I ask your good office to reproduce copies of the single copies of exhibits that I submit and I shall look forward that maybe once again the American people can rely upon the Constitution, the rule of law and the fact that nobody is above the law, quoted numerous times by Ken Starr.