

CENTER for JUDICIAL ACCOUNTABILITY, INC.

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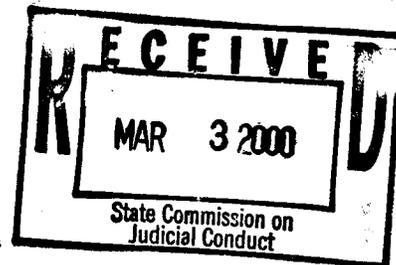
E-Mail: judgewatch@aol.com
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Elena Ruth Sassower, Coordinator

BY HAND

March 3, 2000

New York State Commission on Judicial Conduct
801 Second Avenue
New York, New York 10017



ATT: Gerald Stern, Administrator and Counsel

RE: Judicial misconduct complaint against Acting Supreme Court Justice William A. Wetzel and Administrative Judge Stephen G. Crane for their official misconduct in *Elena Ruth Sassower, Coordinator of the Center for Judicial Accountability, Inc., acting pro bono publico v. Commission on Judicial Conduct of the State of New York* (NY Co. #99-108551)

Dear Mr. Stern:

This formal judicial misconduct complaint follows up CJA's February 7, 2000 notice to you and your counsel, the State Attorney General, of your ethical and professional duty to take corrective steps to protect the public from the wilful subversion of the judicial process in the above-entitled Article 78 proceeding by Acting Supreme Court Justice William Wetzel, aided and abetted by Administrative Judge Stephen Crane.

Such notice alerted you to the fact that Justice Wetzel had "thrown" that important case by a fraudulent judicial decision, "brazenly falsifying and fabricating the Article 78 record in EVERY material respect" and that Administrative Judge Crane, who had twice interfered with random assignment of the case, the second time to "steer" it to Justice Wetzel, had failed to respond to the Article 78 petitioner's request as to the basis for his having done so, including his awareness of the facts pertaining to Justice Wetzel's disqualification set forth in her December 2, 1999 application for his recusal.

*Rec'd by Chief Judge Key
for a letter
3/2/00*

The knowing and deliberate misconduct of each of these judges – of which the Commission and the Attorney General are *direct beneficiaries* -- is particularized by CJA's 35-page letter to the Governor, dated February 23, 2000, to which the Commission is an indicated recipient. A copy is enclosed.

Pursuant to Judiciary Law §44.2, the Commission may institute a *sua sponte* complaint against Justices Wetzel and Crane. However, CJA is not relying on the Commission's initiative, but hereby initiates its own complaint, pursuant to Judiciary Law §44.1, based on the fact-specific presentation in the February 23, 2000 letter.

Under Judiciary Law §44.1, the Commission has a mandatory investigative duty, absent a determination that the complaint "on its face lacks merit". CJA's judicial misconduct complaint against Justices Wetzel and Crane is not only *facially-meritorious*, but substantiated by the record in *Elena Ruth Sassower v. Commission*, incorporated herein by reference. The record establishes their "misconduct in office" "prejudicial to the administration of justice" (NYS Constitution, Article 6, §22(a); Judiciary Law §44.1). This includes their flagrant violation of §100.3E and §100.3F of the Chief Administrator's Rules Governing Judicial Conduct pertaining to judicial disqualification and disclosure and of §100.3D pertaining to a judge's mandatory "Disciplinary responsibilities". These mandatory "disciplinary responsibilities" were triggered by the *unrestrained* defense fraud of the Attorney General on behalf of the Commission, constituting the crimes of, *inter alia*, "perjury, filing of false instruments, conspiracy, obstruction of the administration of justice, and official misconduct"¹ – for which the Article 78 petitioner repeatedly documented her entitlement to disciplinary and criminal referral of both the Attorney General and the Commission. The record before Justices Wetzel and Crane showed that such defense fraud extended to two additional Article 78 proceedings against the Commission – also defended by the Attorney General -- *Doris L. Sassower v. Commission on Judicial Conduct of the State of New York* (NY Co. #95-109141) and *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #99-108655), both covered-up by fraudulent decisions of Supreme Court/New York County judges, as detailed in fact-specific analyses of the decisions, which were part of the record².

¹ See petitioner's July 28, 1999 notice of motion for her omnibus motion, at p. 2 (#6).

² The record in *Elena Ruth Sassower v. Commission* also contained copies of the record of *Doris L. Sassower v. Commission* and *Michael Mantell v. Commission*, physically

The Commission already has in its possession a copy of the record of *Elena Ruth Sassower v. Commission*. The Article 78 petitioner provided it to the Commission throughout the course of the litigation so that the Commission could see for itself the magnitude of the Attorney General's defense fraud – and disavow his false and deceitful advocacy on its behalf. This included providing the Commission with a copy of her December 9, 1999 letter to Justice Wetzel detailing the Attorney General's attempt to perpetrate "a fraud upon the Court – and through it, upon the public" in connection with her December 2, 1999 application for his recusal and for disclosure.

The most cursory investigation of the record in *Elena Ruth Sassower v. Commission* will establish that the Commission is the beneficiary of fraudulent judicial decisions in this and in the other two Article 78 proceedings and that its defense in all three cases was predicated on litigation fraud. As a consequence, the Commission has a self-interest in dismissing, *without investigation*, this *facially-meritorious* complaint – or, as it did with CJA's February 3, 1999 judicial misconduct complaint against Appellate Division, Second Department Justice Daniel Joy,³ a Commission member, in neither acknowledging nor determining it. Therefore, please advise what steps the Commission will take to ensure that this *facially-meritorious*, fully-documented complaint is *fairly and impartially* determined. Such steps might reasonably include joining in CJA's request to the Governor for the appointment of a special prosecutor or an investigative commission. This request is set forth in the conclusion of CJA's February 23, 2000 letter to him (at pp. 32-35). It might also reasonably include joining in CJA's request to Chief Judge Judith Kaye for designation of a Special Inspector General, which is set forth in CJA's letter to her of today's date – a copy of which is enclosed.

Unless the Commission would be willing to refer this judicial misconduct complaint against Justice Wetzel and Crane to the Public Integrity Section of the U.S. Justice Department's Criminal Division⁴, there appears to be no alternative to the

incorporated by petitioner.

³ CJA's February 3, 1999 judicial misconduct complaint against Justice Joy is annexed to the verified petition in *Elena Ruth Sassower v. Commission* as Exhibit "F-6".

⁴ Referral to the Justice Department's Public Integrity Section has been requested in CJA's criminal and ethics complaints against the Attorney General and Commission, *see* Exhibit "E" (at pp. 7, 29) to Elena Sassower's July 28, 1999 affidavit in support of her omnibus motion; Exhibits "G" (at p. 7), "H" (at p. 2), and "J" (p. 2) to Elena Sassower's November 5, 1999 letter

March 3, 2000

establishment of an *independent* investigative body since the Attorney General, the Manhattan District Attorney, and the U.S. Attorney for the Southern District of New York -- each of whom have criminal jurisdiction over Justices Wetzel and Crane for conduct which here rises to a criminal level -- suffer from disabling conflicts-of-interest. This is highlighted by CJA's February 25, 2000 memorandum-notice, transmitting to them, as well as to the New York State Ethics Commission, copies of CJA's February 23, 2000 letter to the Governor. A copy of that notice, to which the Commission is an indicated recipient, is also enclosed.

As always, you may be assured of our complete cooperation in assisting the Commission meet its constitutional and statutory duty to the People of this State to root out corruption among its judges.

Yours for a quality judiciary,



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

Enclosures:

- (1) CJA's February 23, 2000 letter to Governor Pataki
- (2) CJA's February 25, 2000 memorandum-notice
- (3) CJA's March 3, 2000 letter to Chief Judge Judith Kaye

cc: Acting Supreme Court Justice William A. Wetzel
Administrative Judge Stephen G. Crane
Governor George Pataki
Judith Kaye, Chief Judge of New York
New York State Attorney General Spitzer
District Attorney, New York County
U.S. Attorney, Southern District of New York
New York State Ethics Commission
U.S. Attorney, Eastern District of New York
Association of the Bar of the City of New York
Patricia Salkin, Director, Government Law Center/Albany Law School
Former Bronx Surrogate Bertram R. Gelfand
Media

to Justice Kapnick.

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PS Form 3800, April 1995

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