

COUNTY OF SUFFOLK



PATRICK G. HALPIN
SUFFOLK COUNTY EXECUTIVE

E. THOMAS BOYLE
COUNTY ATTORNEY

DEPARTMENT OF LAW

ADDRESS ALL COMMUNICATIONS
IN THIS MATTER TO:

June 9, 1988

Honorable Leonard D. Wexler
United States District Judge
United States District Court
Eastern District of New York
300 Rabro Drive
Hauppauge, New York 11788

RE: The Matter of the Application of George Sassower
for a Writ of Habeas Corpus
Index No. 88-CV-1587 (LDW) USDC/EDNY

Honorable Sir:

I write on behalf of the County of Suffolk and the Suffolk County Sheriff to inform you that the above referenced proceeding has been commenced in violation of outstanding injunctions which prohibit the petitioner from commencing any proceedings of this nature until an outstanding fee award is satisfied, and which permit the County of Suffolk and the Suffolk County Sheriff to refrain from responding to any further proceedings of such nature unless the Court orders them to do so.

Although the petitioner is not currently in the custody of any Suffolk County law enforcement agency, it would appear that he now seeks a Writ of Habeas Corpus prohibiting enforcement of the sentence imposed upon his prior conviction for criminal contempt, arising out of his involvement in the administration of the Estate of Eugene Kelley. As discussed below, and in the various Decisions and Orders enclosed, the claims presented in this petition are nearly identical to claims this petitioner has unsuccessfully advanced in other collateral challenges to his conviction brought in numerous State and Federal forums, all of which ultimately led to the foregoing injunctions.

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In dismissing similar prior actions challenging the validity of the petitioner's conviction, by decision and order dated November 29, 1984, the Honorable Jacob Mishler, District Judge for the Eastern District of New York, also directed the petitioner "... to refrain from further litigation in this matter before this or any other federal court except and until he pays such attorney's fees and costs as this court will direct subject to exceptions previously enumerated...". Sassower v. Signorelli, 77-CV-1447; 78-CV-124; and 84-CV-2928. In a further decision and order dated March 4, 1986, Judge Mishler assessed the fee award against the petitioner in the sum of \$5,435.00. Id.

Despite the foregoing injunction, the petitioner commenced another similar action in the Eastern District entitled Sassower v. Berger, 86-CV-3797 (JM). By decision and order dated November 6, 1987, Judge Mishler dismissed that action, and directed that the defendants, including the County of Suffolk and the Suffolk County Sheriff "... are not required to answer or defend any further action, proceeding, motion or application hereafter commenced by plaintiff in contravention of the ... injunction (of 11/29/84), unless and until directed to do so by this court, or by a court of competent authority...". Sassower v. Berger, 86-CV-3797 (JM). As of this date, the fee award has not been satisfied by the petitioner.

In view of the identity of the subject matter of the instant petition, and the prior actions giving rise to the foregoing injunctions, it is our understanding that unless you rule otherwise, neither the County of Suffolk nor the Suffolk County Sheriff is required to respond to this proceeding. We will accordingly await further word from you before taking any action with respect to this new matter.

I have also enclosed for your information a copy of a Motion to Dismiss, filed on behalf of defendant Mastroianni, Public Administrator of Suffolk County, in related actions venued in the United States District Court for the District of New Jersey, together with a copy of Judge Polition's injunctive order issued therein. The decisions and orders described above are annexed to the moving papers as Exhibits "A", "B" and "C"

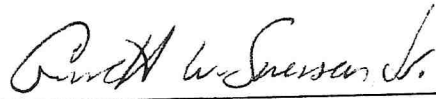
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respectively. The motion papers also contain a description of the history of the petitioner's dispute with various Suffolk County officials, and a description of other existing injunctions against this petitioner banning similar actions in any federal court (Exhibits "D" and "E"), and in any New York State court (See: Affidavit, Paragraph "7").

Very truly yours,

E. THOMAS BOYLE
Suffolk County Attorney

BY: 
Garrett W. Swenson, Jr.
Assistant County Attorney

GWS:jp
Encls.

cc: George Sassower