

89-7051

CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT

-----x
GEORGE SASSOWER,

Plaintiff-Appellant,

-against-

MATTHEW D. SANSVERIE; et. el.

Defendants-Appellees
-----x

UNITED STATES OF AMERICA, ex rel.,

FELTMAN, KARESH, MAJOR & FARBMAN,

LEE FELTMAN, and CLAPP & EISENBERG, P.C.

Petitioners-Appellees,

-against-

GEORGE SASSOWER,

Defendant-Appellant.
-----x

APPELLANT'S BRIEF

P 858 061 873

RECEIPT FOR CERTIFIED MAIL

NO INSURANCE COVERAGE PROVIDED
NOT FOR INTERNATIONAL MAIL
(See Reverse)

Sent to	U.S. Circuit Ct App
Street and No.	40 Centis Pl.
P.O., State and Zip Code	Ny Ny 10007
Postage	3.18
Certified Fee	.85
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Return Receipt showing to whom and Date Delivered	
Return Receipt showing to whom, Date and Address of Delivery	
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GEORGE SASSOWER
Appellant-pro se
16 Lake Street,
White Plains, N.Y. 10603
914-949-2169

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CIRCUIT COURT OF APPEALS
FOR THE SECOND CIRCUIT

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GEORGE SASSOWER,

Plaintiff-Appellant,
-against-

Docket No.
89-7051

MATTHEW D. SANSVERIE; DENIS DILLON; J. KENNETH
LITTMAN; KENNETH M. COZZA; ROBERT RIVERS;
MARY-RITA WALLACE; GERALD R. PODLESAK; DANIEL
J. MOORE; NICHOLAS H. POLITAN; ROBERT ABRAMS;
WILFRED FEINBERG; CHARLES L. BRIEANT; WILLIAM
C. CONNER; EUGENE H. NICKERSON; FRANCIS T. MURPHY;
MILTON MOLLEN; JOSEPH W. BELLACOSA; XAVIER C.
RICCOBONO; IRA GAMMERMAN; DONALD DIAMOND; ERNEST
L. SIGNORELLI; ANTHONY MASTROIANNI; KREINDLER
& RELKIN, P.C.; CITIBANK, N.A.; LEE FELTMAN;
FELTMAN, KARESH, MAJOR & FARBMAN; NACHAMIE,
KIRSCHNER, SPIZZ & LEVINE, P.C.; RASHBA & POKART;
HOWARD M. BERGSON; REISMAN, PEIREZ, REISMAN,
& CALICA; CLAPP & EISENBERG, P.C.; ROTHBART,
ROTHBART, & KOHN; SAMUEL A. ALITO, JR.;
HUGH LEONARD; SILLS, CUMIS ZUCKERSMAN, RADIN,
TISHMAN, EPSTEIN, & GROSS, P.C.; BERLIN, KAPLAN,
DEMBLING & BURKE, P.C.; PETER SORDI; AND
MYRIAM J. ALTMAN,

Defendants-Appellees

-----x
UNITED STATES OF AMERICA, ex rel.,
FELTMAN, KARESH, MAJOR & FARBMAN,
LEE FELTMAN, and CLAPP & EISENBERG, P.C.

Petitioners-Appellees,

-against-

GEORGE SASSOWER,

Defendant-Appellant.
-----x

JURISDICTION

1. Jurisdiction in this Court is by the tender, as distinguished from the later acceptance, for filing of a Notice of Appeal, dated December 19, 1988.

2. The appeal is from the Judgment of Hon. EDWARD R. KORMAN, of the United States District Court, Eastern District of New York, dated December 13, 1988, and from all the various intermediate, non-final, orders and/or directions.

QUESTIONS PRESENTED

1. Where plaintiff shows, by uncontroverted documented evidence, that a federal judicial circuit is inundated with "in office" corruption, of a criminal magnitude, is a "general bias" recusal mandated?

2. Was plaintiff entitled to a determination on his recusal affirmation before further proceedings were undertaken, rather than ignoring same?

3. In view of the documented evidence, is the Second Circuit Court of Appeals "Unfit for Human Litigation"?

4a. May a court constitutionally sua sponte issue a order and/or judgment order which reads:

"the complaint is dismissed without prejudice to the filing of a properly pleaded complaint; that the Clerk shall accept such a complaint for filing only after it is approved for filing by Magistrate Ross ... and that in the event Mr. Sassower files or attempts to file such amended complaint, the defendants shall not be required to do so by Magistrate Ross."?

b. Was the aforementioned order and/or judgment properly issued at bar?

5. Should plaintiff's unopposed motion for a temporary restraining order have been granted, or is the Constitution of the United States "dead" in the Second Circuit?

6. Must the criminal contempt proceeding against plaintiff be dismissed and/or adjudicated?

7. Should plaintiff's motion for partial summary judgment, with compelling merit, have been granted and/or adjudicated?

8. Is an Order containing a prior restraint on publication transparently invalid?

STATEMENT OF FACTS

The operative facts for the instant complaint arise no earlier than Tuesday, February 22, 1988, nevertheless a very brief recitation of prior events would serve a salutary, if not necessary, purpose in facilitating comprehension.

PUCCHINI CLOTHES, LTD.

1a. PUCCHINI CLOTHES, LTD. ["Puccini"] was involuntarily dissolved on June 4, 1980, its assets and affairs becoming custodia legis, held under "color of judicial law".

b. Such judicial trust assets were made the subject of massive larceny engineered by defendants, KREINDLER & RELKIN, P.C. ["K&R"] and CITIBANK, N.A. ["Citibank"].

c. The above defendants entered into an agreement with the court-appointed receiver, the defendant, LEE FELTMAN, Esq. ["Feltman"] that if he aided in the concealment of such larceny and made no attempt at recovery, Puccini remaining tangible assets would be transferred to him.

d. Since Feltman's maximum fee is prescribed by statute (Business Corp. Law 1217), they agreed to unlawfully circumvent the mandate of the statute by transferring Puccini's remaining assets to the defendants, FELTMAN, KARESH, MAJOR & FARBMAN, Esqs. ["FKM&F"], although Feltman's law firm was never appointed by any court or judge, and thus could not receive any fees from Puccini, even had they rendered any services on behalf of such constitutional, but helpless, "person" (e.g. 22 NYCRR 660.24[f]).

e. Under the aforementioned circumstances, the "criminals with law degrees" simply, (1) could not file an accounting for Puccini, required to be filed "at least once a year" (22 NYCRR 202.52[e]); (2) could not file a true verified statement of Puccini's assets, also required to be filed yearly (Bus. Corp. Law 1207[C]3); or (3) have compensation statements filed for all fees awarded (Judiciary Law 35a).

f. Thus, the "merchants of corruption", operating in concert with their cadre of corrupt judges and officials, caused a "reign of judicial terror" to be heaped upon the victims of this criminal racketeering enterprise, and in particular (1) the plaintiff, (2) HYMAN RAFFE ["Raffe"], and (3) SAM POLUR, Esq.

g. With K&R and FKM&F openly boasting that they, together with Citibank, "controlled" judiciary, state and federal, nisi prius and appellate, it was the judiciary, including members of this Court, which supplied the objective confirmation of same.

h. At the state level, such corrupt control centered about Presiding Justice FRANCIS T. MURPHY ["Murphy"] and Administrative Judge XAVIER C. RICCOBONO ["Riccobono"], as the "core" jurists.

i. The corruption of Presiding Justice Murphy carried with it "control" of the Departmental Disciplinary Committee and the Grievance Committee machinery.

District Judge EUGENE H. NICKERSON:

j. Plaintiff, as an attorney, commenced an action on behalf of Raffe and Puccini, with irresistible compelling merit. Since there was no question that Puccini's trust assets had been subject to massive larceny engineered by K&R and Citibank, a recovery was could not be prevented by any rational legal process.

k. Nevertheless, District Judge EUGENE H. NICKERSON ["Nickerson"], dismissed such action, imposing substantial costs upon plaintiff and Raffe.

l. Both before, as well as after, such judgment of dismissal, Judge Nickerson marked out for himself an indelible portrait of a corrupted judge.

m(1). Finally, under a scenario wherein K&R default, not plaintiff, Judge Nickerson, without a trial or opportunity for same, adjudicated plaintiff and Raffae to be in non-summary criminal and civil contempt, with herculian fines imposed payable "to the [federal] court".

(2) Since, K&R could not show a case of criminal contempt, even on an inquest basis, such mandatory requirement was also dispensed with.

(3) Those "fines", which according to the Nickerson Order, was payable "to the [federal] court", were diverted from the coffers of federal government to the private larcenous pockets of K&R and their clients.

(4) As will hereinafter be shown, such diversion of funds from the federal government to the pockets of K&R and their clients, was the product of criminal extortion, wherein this Court participated.

n. Faced with such dramatic evidence, Judge Nickerson was compelled to recuse himself from rendering any further adjudications in Puccini related matters, but His Honor remained active in the assignment of judges in such litigation.

"THE CONNER CROSS OF CORRUPTION":

o. With "the criminals with law degrees" and their entourage continuing their tortious activities, plaintiff filed another complaint, whose causes of action all arose after the Nickerson complaint and/or were not governed by claim or issue preclusion.

p. In a 1985 trialess dismissal of a complaint, with herculian costs imposed, Judge Conner issued a transparently invalid injunction, which in addition thereto, in haec verba recognized, inter alia, that causes of action which arose in the future were not governed thereby.

q. Here again, Judge Conner, carved out for himself a portrait for himself the portrait of a corrupted judge, and faced with such evidence, Judge Conner also recused himself.

r. However, Judge Conner, by written memos and otherwise, began employing his robe as a means of corrupting his colleagues, by his ex parte communications.

THE MANTON COURT OF APPEALS:

s. The evidence began to appear that even the Second Circuit Court of Appeals had been corrupted, confirming the open boasts of K&R and FKM&F, which evidence included the affirmance trialess conviction of non-summary criminal contempt by Judge Nickerson.

t. By Sassower v. Sheriff (824 F.2d 184 [2d Cir.]), this Court publicly announced, correctly read by all federal nisi prius courts, that this Court had been corrupted, and that K&R and FKM&F were this Court's active criminal co-conspirators. The corrupt scenario of such determination is briefly set forth herein as follows:

(1) Without a trial, or opportunity of same, Referee DONALD DIAMOND found that plaintiff was guilty of sixty-three (63) counts of criminal contempt, and Raffe guilty of seventy-one (71) counts.

(2) There was not even an inquest, since Referee Diamond repeatedly held that such procedures were unnecessary since he personally knew that plaintiff and Raffe were guilty and/or that "a plea of not-guilty in a criminal proceeding is tantamount to a general denial in a civil action and raises no triable issues of fact".

(3) Such proceedings were instituted a mere three (3) weeks after plaintiff and Raffe had been vindicated of the same charges, after a massive submission, and a more than two (2) year sub judice consideration, clearly triggering constitutional "double [former] jeopardy".

(4) This time, however, Administrator Riccobono dragooned such proceedings to Referee Diamond, although both Riccobono and Diamond were active defendants and/or respondents in numerous actions and proceedings in state and federal courts charged with egregious, tortious, and/or criminal activities on behalf of the K&R entourage.

(5) Based upon such Referee Diamond trialess conviction, Raffe was threatened with incarceration for five (5) years, eleven (11) months, in addition to the thirty (30) days incarceration threatened under the trialess conviction of Mr. Justice ALVIN F. KLEIN.

(6) When Raffe witnessed plaintiff and Polur being incarcerated, under a trialess, manifestly unconstitutional, conviction, for non-summary criminal contempt, he succumbed to the terms dictated by "the criminals with law degrees" and their cadre of corrupt judges.

(8) In lieu of being incarcerated, Raffe agreed to (1) surrender all his claims in Puccini, judgment and otherwise; (2) agreed to make very substantial monetary payments to K&R, FKM&F, and some of their co-conspirators; (3) execute releases in favor of the federal judges of the Southern and Eastern Court of New York; (4) execute releases in favor of the justices of the Supreme Court, New York County, and Referee Diamond; (5) execute releases to the New York State Attorney General, members of his office, the "criminals with law degrees", members of their office, and other co-conspirators.

(9) As long as Raffe gives obedience to the demands of FKM&F, no matter what those demands might be, he will not be incarcerated, according to the terms of surrender dictated to him.

(10) Thus, to date, Raffe has paid to K&R and FKM&F, as extortion payments, in lieu of not being incarcerated, approximately two million dollars (\$2,000,000), payments which are continuing, and in Raffe's words "they are bleeding me to death".

(11) Included in such payments made by Raffe to K&R were those which were earmarked as payment "to the [federal] court", under the Order of Judge Nickerson.

(12) Plaintiff has consistently refused to engage in corrupt activities, and each time he has chosen to be jailed under such trialess procedures, rather than negotiate with these "judicial indulgence peddlers".

(13) The "judicial indulgence peddlers" did not know that habeas corpus relief was legally available after plaintiff's direct appeals had been exhausted, and thus made no arrangements to "fix" either Judge DAVID N. EDELSTEIN or U.S. Magistrate NINA GERSHON.

(14) The contrived opinion of this Court in Sassower v. Sheriff (supra), fabricated an essential constitutional element, necessary for reversal, and reads as follows:

"[plaintiff] refused to appear before [Referee DONALD DIAMOND] ... was notified by the attorney for the receiver that he would be required to appear before the referee for proceedings on the criminal contempt motion and cross-motions ... failed to appear".

(15) As Judge LEARNED HAND, dissenting, in the case of Art Metal v. Abraham & Straus (70 F.2d 641, 645 [2d Cir.]), a majority opinion for which Chief Judge Martin T. MANTON received a "pay-off", reads as follows:

"I can find not even the proverbial scintilla of evidence to that effect. The language which Reilly the defendant's president, put in Aronson's mouth ...".

(16) The proceedings before Magistrate NINA GERSHON reads as follows:

"THE MAGISTRATE: I am correct that there is nothing in the record that indicates one way or the other as to whether or not Mr. Sassower was [invited] to appear, did appear, waived his right to appear, didn't show up or anything of the kind. He says on the documentary evidence he finds that the petitioner is guilty. Is that not correct?

MR. SCHNEIDER: There is nothing in the record but we are prepared to give testimony on that issue if you Honor finds that is relevant in this proceeding.

MR. SASSOWER: Referee Diamond said repeatedly: No hearing is required. I don't know how he can give testimony that there was a default when Referee Diamond said ad nauseam: no hearing is required. A plea of not guilty is tantamount to a general denial and raises no triable issues of fact. The criminal procedure law of the State of New York states a plea of not guilty is a plea of not guilty as to each and every count of the indictment or the information.

MR. SCHNEIDER: That is the whole point of this proceeding, you Honor, it is not a proceeding under the penal law. This is a civil proceeding under the judiciary law.

THE MAGISTRATE: Whatever you label it he is entitled to the provisions of the United States Constitution whether it comes under the judiciary law or the penal law ..." [emphasis supplied]

(17) Raffe keeps paying, every lawyer remains silent, because everyone now knows the judges, state and federal, in the Second Circuit are corrupt, and to express such opinion, even when supported by documented evidence, results in trialess incarceration, trialess fines, and even disbarment.

THE KELLY ESTATE

u. In short, Surrogate ERNEST L. SIGNORELLI of Suffolk County, wherein plaintiff was involved in litigation, pays his personal obligations by having his personal creditors file false and fictitious claims against estates in his court, which his appointee, Public Administrator ANTHONY MASTROIANNI, approves for payment.

"VILELLA - THE JUDICIAL HOSTAGE"

v. DENNIS F. VILELLA ["Vilella"] was convicted on July 30, 1987, of crimes which neither he nor anyone else committed.

w. Raffe, as is overtly stated, will pay extortion as long as plaintiff speaks and writes about the criminal activities of the "criminals with law degrees" and their corrupt jurists.

x. Similarly, "Vilella, The Hostage" will remain incarcerated for fictitious crimes as long as plaintiff does not agree to a "code of silence" about the same corrupt activities, as well as the activities of the office of DENIS DILLON ["Dillon"], the District Attorney of Nassau County.

THE PROCEEDINGS AT NISI PRIUS

1a. On February 22, 1987, the "Dillon Gang" transgressed their limited jurisdictional bailiwick of Nassau County, and arrested plaintiff in Westchester County, where they had no police authority.

b. Contrary to statutory mandate, instead of bringing plaintiff before a local magistrate, plaintiff was taken directly to Nassau County, where he was incarcerated.

c. Dillon issued a media statement that plaintiff had been arrested for "whistle blowing" with respect to the Vilella conviction, which unquestionably was true, and for which plaintiff thereafter moved for a temporary injunction.

d. Plaintiff was not arraigned before a local magistrate, as required by statute, so that he would not be able to attend a scheduled appearance in Supreme Court, New York County that afternoon, an appearance whose purpose was to mandate the New York State Attorney General to compel a Puccini accounting, as required by law (Bus. Corp. Law 1216[a]).

e. The following day, under a patently unlawful search warrant, the "Dillon Gang" searched and seized confidential papers and work product material, as well as more than fifty (50) data discs.

f. Functionally, by such seizure, the "Dillon Gang" had paralyzed plaintiff in the Vilella, the Puccini, and the Signorelli matters.

g. The evidence that the "Dillon Gang" were operating in concert with "the criminal with law degrees", in this unlawful scenario, surfaced shortly thereafter.

2. On May 6, 1988, plaintiff filed his complaint, and the matter was assigned to Hon. I. LEO GLASSER, as a related proceeding.

3. The following day, on May 7, 1988, with the mailing of the summons and complaint, plaintiff moved for a temporary restraining order, on constitutional grounds, essentially against the Dillon defendants and his criminal prosecution against plaintiff, returnable May 20, 1988.

4. Under circumstances which manifestly revealed ex parte corrupt activities (see plaintiff's affirmation of May 21, 1988), by Order dated May 17th, Judge Glasser incredulously held said motion in abeyance pending a motion by the Feltman defendants to dismiss, based on an alleged violation of the Conner [1985] Injunction.

5. Ex parte, and without notice to plaintiff, on or about May 27, 1988, with Judge Nickerson as the assigning judge, the matter was transferred to Judge EDWARD R. KORMAN.

6. On June 1, 1988, Judge Korman on a pro forma (procedural) Standard Referral form, assigned same to Magistrate ALLYNE R. ROSS ["Ross"].

7. On June 6, 1988, FKM&F moved for the appointment of a special attorney to prosecute plaintiff to prosecute plaintiff for criminal contempt, and for other relief.

8. On June 23, 1988, Judge Korman stayed all proceedings by all parties.

9. In the face of the cascading judicial corruption which was surfacing, plaintiff filed an Recusal Affirmation dated July 3, 1988, entitled "FEINBERG'S EVIL JUDICIAL EMPIRE, Unfit for Human Litigation", which was never acted upon.

10a. On December 7, 1988, plaintiff filed his motion for partial summary judgment against the Dillon defendants, which Magistrate Ross refused to file.

b. On the same day, plaintiff filed his motion to dismiss the criminal contempt proceeding, on constitutional grounds, which Magistrate Ross also refused to file.

11. Also on the same day, Judge Korman dismissed the action, without prejudice.

POINT I

A GENERAL BIAS SITUATION EXISTS IN THIS CIRCUIT, MANDATING RECUSAL

Constitutional considerations mandate that all litigation, including the matter at bar, involving plaintiff, directly and/or indirectly, should be referred to a jurist, of unquestionable integrity, from another circuit, because of the general bias existing in the Second Circuit (Aetna v. Lavoie, 475 U.S. 813; Andrews v. Education, 829 F.2d 335, 340 [2d Cir.]; Robinson v. State, 806 F.2d 442, 450 [3d Cir]).

The judges in this circuit are corrupt, as the documented evidence reveals.

Plaintiff was entitled to a determination on the issue at nisi prius.

POINT II

THE COURT MAY NOT ISSUE A PRIOR CONSENT TO A FIRST AMENDMENT RIGHT

Plaintiff cannot constitutionally be made the subject to the censorship powers of Magistrate Ross or any other person (Near v. Minn., 283 U.S. 697).

For example of the manifest absurdity, plaintiff's notice of appeal was held up for several weeks while waiting for the approval of Magistrate Ross for its filing.

POINT III

A TEMPORARY RESTRAINING ORDER SHOULD BE ISSUED

Plaintiff's unopposed motion for a temporary restraining Order should be granted (Wilson v. Thompson, 593 F.2d 1375 [5th Cir.]; Losch v. Borough, 736 F.2d 903 [3rd Cir.]).

POINT IV

THE CRIMINAL CONTEMPT PROCEEDING MUST BE DISMISSED

The meritless criminal contempt proceedings must be dismissed, with prejudice (United States v. Marion, 404 U.S. 307, 324), which is based on a transparently invalid order (In re Providence Journal, 820 F.2d 1353 [1st Cir.], cert. granted 108 U.S. 65).

Criminal contempt, or its attempt survived the judgment of dismissal.

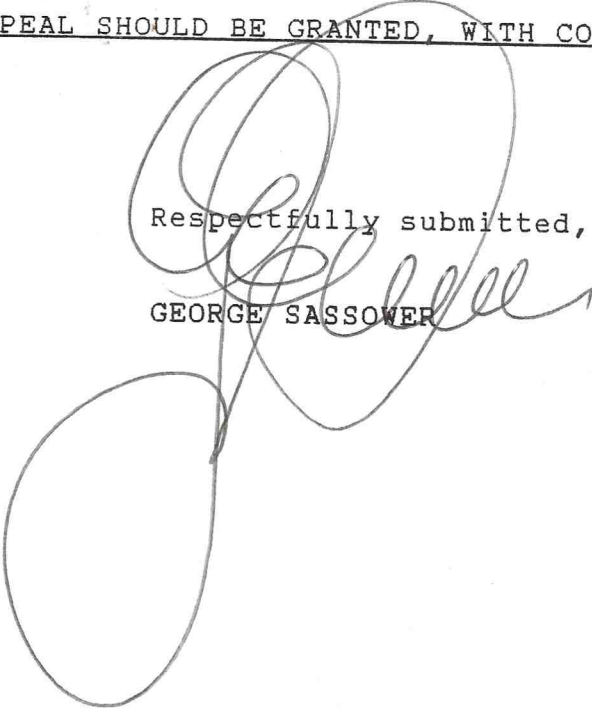
CONCLUSION

PLAINTIFF'S APPEAL SHOULD BE GRANTED, WITH COSTS

Dated: March 22, 1989

Respectfully submitted,

GEORGE SASSOWER

A large, stylized handwritten signature in dark ink, consisting of several loops and a long horizontal stroke, is written over the typed name and extends downwards across the page.