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“LEGAL AUTOPSY”/ANALYSIS OF THE MARCH 18, 2025 ORDER OF THE NEW YORK COURT OF APPEALS

Center for Judicial Accountability, et al. v. JCOPE, et al. ([APL 2024-150](#))

Center for Judicial Accountability, et al. v. Commission on Legislative, Judicial & Executive Compensation... Wilson, Zayas, et al. ([APL 2024-149](#) and [APL 2024-175](#))

This analysis constitutes a “legal autopsy”¹ of the [March 18, 2025 Order](#) of the six associate judges of the New York Court of Appeals, unsigned by a single judge, purporting that “Chief Judge Wilson took no part” and that “**Present**” was Hon. Jenny Rivera, *Senior Associate Judge*, **presiding**” on the two appeals of right whose captions it abbreviates.²

As herein demonstrated, Senior Associate Judge Rivera was duty-bound to have also taken “no part”. Likewise, the five other associate judges whose names the Order conceals: Associate Judge Michael Garcia, Associate Judge Madeline Singas, Associate Judge Anthony Cannataro, Associate Judge Shirley Troutman, and Associate Judge Caitlin Halligan. All were duty-bound to have disqualified themselves, as they each knew in failing to make ANY disclosure, the least of which was of their financial interests, namely, that each has a \$106,300 salary interest in these appeals,³ plus claw-back liabilities, most in the million dollar range.

¹ The term “legal autopsy” is taken from the law review article “[Legal Autopsies: Assessing the Performance of Judges and Lawyers Through the Window of Leading Contract Cases](#)”, 73 *Albany Law Review* 1 (2009), by Gerald Caplan, recognizing that the legitimacy of judicial decisions can only be determined by comparison with the record (‘...Performance assessment cannot occur without close examination of the trial record, briefs, oral argument and the like...’ (p. 53)).

² The abbreviated captions, *In the Matter of Center for Judicial Accountability, et al. v. JCOPE, et al.* (APL 2024-150) and *In the Matter of Center for Judicial Accountability, et al. v. Commission on Legislative, Judicial and Executive Compensation, et al.* (APL 2024-149 and APL 2024-175) conceal the parties.

The appellants are identical in both: Center for Judicial Accountability, Inc. (CJA) and its director Elena Sassower, “acting on their own behalf and on behalf of the People of the State of New York & the Public Interest”.

The identical respondents in the two appeals are Governor Kathy Hochul, Temporary Senate President Andrea Stewart-Cousins, the Senate, Assembly Speaker Carl Heastie, the Assembly, Attorney General Letitia James, and Comptroller Thomas DiNapoli. The additional respondents on the first appeal are the Joint Commission on Public Ethics (JCOPE), the Legislative Ethics Commission, and the State Inspector General. The additional respondents on the second appeal are the Commission on Legislative, Judicial, and Executive Compensation, Lieutenant Governor Antonio Delgado, Chief Judge Rowan Wilson, and Chief Administrative Judge Joseph Zayas.

³ The associate judge salary is \$257,500 as a result of the December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation – so-identified by Comptroller DiNapoli’s [March 19, 2024 bulletin](#) – not \$151,200, as [Judiciary Law §221](#) still reflects, 13-1/2 years after the Commission on Judicial Compensation’s August 29, 2011 Report first raised it. Comparably, the chief judge salary is \$265,600 not \$156,000.

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These HUGE financial interests arise because the December 4, 2023 Report of the (3rd) Commission on Legislative, Judicial and Executive Compensation, whose “recommendations”, on April 1, 2024, by “force of law”, raised the salaries of each associate judge by \$24,100, is, *on its face*, a “false instrument”, violative of the statute pursuant to which it purports to be rendered – and was so-demonstrated by [CJA’s January 18, 2024 Opposition Report](#), mandating its voiding, *as a matter of law* and, with it, the voiding of the two identically-violative prior commission reports whose “force of law” recommendations raised associate judge salaries by \$82,000. These are the August 29, 2011 Report of the Commission on Judicial Compensation and the December 24, 2015 Report of the (1st) Commission on Legislative, Judicial and Executive Compensation, which the Court was duty-bound to void in 2019-2020 when they were before the Court by [CJA v. Cuomo...DiFiore](#),⁴ whose other causes of action, challenging the constitutionality and lawfulness of the entire state budget, also mandated summary judgment declarations in appellants’ favor.

The Court’s five orders in *CJA v. Cuomo...DiFiore*, on [May 2, 2019](#), [October 24, 2019](#), [October 24, 2019](#), [October 24, 2019](#), and [February 18, 2020](#), dismissing and denying appellants’ appeals, by right and by leave, and all their other requested relief, also purported that “Senior Associate Judge” Rivera was “**Present**” and “**presiding**” – and that then “Chief Judge DiFiore took no part”. So, too, did the five orders conceal the names of the other associate judges. They included Associate Judge Garcia, as well as Chief Judge Wilson, then an associate judge, and additionally, the then Associate Judge Eugene Fahey, who, in 2023, Chief Judge Wilson would appoint to chair the (3rd) Commission on Legislative, Judicial and Executive Compensation, whose statutorily violative, fraudulent, and unconstitutional December 4, 2023 Report appellants would seek to void by their [March 18, 2024 verified petition](#) in *CJA v. Commission on Legislative, Judicial and Executive Compensation...Wilson, Zayas...et al.* [hereinafter *CJA v. Compensation Commission...Wilson, Zayas, et al.*] – the subject of appellants’ direct appeal of right herein pursuant to [Article VI, §3\(b\)\(2\)](#).

As for the financial interest of the associate judges in *CJA v. JCOPE, et al.* – the subject of appellants’ appeal of right herein pursuant to [Article VI, §3\(b\)\(1\)](#) and [CPLR §5601\(b\)\(1\)](#) – these stem from the first and fifth causes of action of its [June 6, 2022 verified petition](#) and [September 1, 2022 verified amendment](#) for investigation of appellants’ complaints to JCOPE and the State Inspector General pertaining to the “false instrument” August 29, 2011 and December 24, 2015 commission reports and the larger scheme of larceny and unconstitutional, law-breaking governance involving the state budget and salary increases. Among these complaints, [appellants’ March 5, 2021 complaint to JCOPE](#), also furnished to the Inspector General, whose evidentiary substantiation included [appellants’ February 7, 2021 complaint to the Commission on Judicial Conduct against the Court’s judges](#) based on *CJA v. Cuomo...DiFiore*⁵ (Exhibit 1).

⁴ This prior appeal to the Court had the same appellants as here and the same respondents, or their predecessors, who were: Governor Andrew Cuomo, Temporary Senate President John Flanagan, the Senate, Assembly Speaker Carl Heastie, the Assembly, Attorney General Eric Schneiderman, Comptroller Thomas DiNapoli, and Chief Judge Janet DiFiore.

⁵ The February 7, 2021 complaint was Exhibit D-3 to the *CJA v. JCOPE, et al.* verified petition, with

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On both these appeals of right – just as in *CJA v. Cuomo...DiFiore* – the threshold issue before the Court was the judges’ financial and other interests, not only disqualifying them pursuant to [§§100.3E\(1\)\(c\) and \(1\)\(d\)\(iii\) of the Chief Administrator’s Rules Governing Judicial Conduct](#),⁶ but divesting them of jurisdiction pursuant to [Judiciary Law §14](#) and this Court’s own interpretive caselaw, [Oakley v. Aspinwall](#), 3 NY 547 (1850), [Wilcox v. Royal Arcanum](#), 210 NY 370 (1914), and leaving them without power to do anything but transfer the appeals to a jurisdictionally-empowered tribunal, not suffering from interest, as, for instance, federal court judges, pursuant to Article IV, §4 of the United States Constitution: “The United States shall guarantee every State in this Union a Republican Form of Government”. A second threshold issue here, as in *CJA v. Cuomo...DiFiore*, was the unlawfulness and unconstitutionality of AG James’ representation of herself and her fellow respondents in the absence of any legitimate defense, corrupting the judicial process with litigation fraud, and appellants’ entitlement to the AG’s representation pursuant to [Executive Law §63.1](#) and [State Finance Law Article 7-A](#), including *via* independent counsel.⁷

The Court’s response, by its March 18, 2025 Order – as in *CJA v. Cuomo...DiFiore* – was to ignore these two threshold issues and deny appellants’ appeals of right and other relief by false, conclusory boilerplate, concealing ALL the facts, law, and legal argument they had presented, ALL dispositive of their entitlement.

As immediately obvious from comparing the March 18, 2025 Order with the record before the Court, it is a judicial fraud and “so totally devoid of evidentiary support as to render [it] unconstitutional under the Due Process Clause” of the U.S. Constitution, [Garner v. State of Louisiana](#), 368 U.S. 157, 163 (1961), [Thompson v. City of Louisville](#), 362 U.S. 199 (1960), and, comparably, under Article I, §6 of the New York State Constitution. So, too, it is a criminal act, violating a succession of New York’s penal laws, including:

[Penal Law §195](#) (“official misconduct”);
[Penal Law §496](#) (“corrupting the government”) – part of the “Public Trust Act”;
[Penal Law §195.20](#) (“defrauding the government”);
[Penal Law §175.35](#) (“offering a false instrument for filing in the first degree”);
[Penal Law §155.42](#) (“grand larceny in the first degree”);
[Penal Law §190.65](#) (“scheme to defraud in the first degree”);
[Penal Law §20.00](#) (“criminal liability for conduct of another”).

Exhibit D-2 being appellants’ [February 11, 2021 companion complaint to the Attorney Grievance Committees against AG James and Solicitor General Barbara Underwood](#) based on *CJA v. Cuomo...DiFiore* and its progeny including [Delgado v. New York State](#).

⁶ A judge is disqualified pursuant to §100.3E(1)(c) if “the judge knows that he or she...has an economic interest in the subject matter in controversy...or has any other interest that could be substantially affected by the proceeding” and pursuant to §100.3E(1)(d)(iii) if “the judge knows that the judge...has a direct interest that could be substantially affected by the proceeding”.

⁷ Appellants’ February 7, 2021 complaint to the Commission on Judicial Conduct (Exhibit 1) focally pertains to these two threshold issues – and its pages 8-35 quote the relevant portions of the *CJA v. Cuomo...DiFiore* motion papers before the Court with respect thereto.

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Although the Order purports to be “Upon the papers filed and due deliberation”, this is a LIE, as are its five “ordering” paragraphs that follow.⁸

Thus, **the first “ordering” paragraph** orders “on the Court’s own motion”:

“that the appeals, insofar as taken on behalf of Center for Judicial Accountability, Inc. by Elena Ruth Sassower, are dismissed, without costs, upon the ground that Elena Ruth Sassower is not Center for Judicial Accountability, Inc.’s authorized legal representative (see CPLR 321[a])”.

This is fraud. Appellants’ “papers”, beginning with the required preliminary appeal statements, identify CJA and Sassower as:

“the two petitioners/plaintiffs in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action, expressly acting ‘on behalf of the People of the State of New York & the Public Interest’ – [] here, as below, unrepresented litigants and, as below, [] seeking a threshold determination of their entitlement to the Attorney General’s representation/intervention, pursuant to [Executive Law §63.1](#) and [State Finance Law, Article 7-A](#) [§123-a(3); §123-c(3); §123-d; §123-e(2)] based on their *prima facie* summary judgment entitlement to declarations, in their favor, on the ten causes of action of their [June 6, 2022 verified petition/complaint](#) – and [September 1, 2022 verified amendment](#).”

([Oct. 21, 2024 preliminary appeal statement for APL 2024-150](#), underlining, italics, and hyperlinking in the original);

“the two petitioners/plaintiffs in this hybrid Article 78 proceeding/declaratory judgment action/citizen-taxpayer action, expressly acting ‘on behalf of the People of the State of New York & the Public Interest’ – [] here, as below, unrepresented litigants and sought below the Attorney General’s representation/intervention, pursuant to [Executive Law §63.1](#) and [State Finance Law, Article 7-A](#) [§123-a(3); §123-c(3); §123-d; §123-e(2)], to which they remain entitled.”

([Oct. 21, 2024 preliminary appeal statement for APL 2024-149](#); [Nov. 29, 2024 preliminary appeal statement for APL 2024-175](#), underlining and hyperlinking in the original).

They further reinforced this by their [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\)](#) – the same motion as the Order identifies only as “for sanctions &c.”— whose “&c” request was:

⁸ The Court conceals this by not utilizing the NYSCEF electronic docket system of the lower courts to post the “papers” before it. Appellants have compensated for this, from the outset, by creating webpages for each appeal: The link to *CJA v. JCOPE, et al.* at the Court of Appeals is <https://www.judgewatch.org/web-pages/lawsuit-jcope-et-al/court-of-appeals.htm> and the link to *CJA v. Compensation Commission... Wilson, Zayas, et al.* is <https://www.judgewatch.org/web-pages/lawsuit-dec4-2023-report/ct-of-appeals.htm>.

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“directing AG James to produce a sworn statement as to who, if anyone, made the determination, *if one was made*, as to the ‘interest of the state’ pursuant to [Executive Law §63.1](#), on these two appeals of right, and determined appellants’ entitlement to the AG’s representation consistent therewith and pursuant to [State Finance Law, Article 7-A](#) (§123-a(3), §123-c(3), §123-d, §123-e(2)), including *via* independent counsel, with such findings of fact and conclusions of law as supported same”. (hyperlinking and italics in the original).

Suffice to add that [CPLR 321\[a\]](#), to which the Order cites with an inferential “*see*”,⁹ has no relevance to the situation at bar.

As for **the second “ordering” paragraph**, it dismisses Sassower’s appeal of right in *CJA v. JCOPE* with the conclusory LIE that the appealed-from October and June 2024 Appellate Division orders do not “finally determine the proceeding/action within the meaning of the Constitution” – when there is NOTHING left of the case below. It then puts forward a second conclusory LIE, purporting, as to the June 2024 order, that “no substantial constitutional question is directly involved” – a standard for which it cites NO legal authority because it is NOT the standard for appeals of right pursuant to [Article VI, §3\(b\)\(1\) of the NYS Constitution](#) and [CPLR §5601\(b\)\(1\)](#) – and even were it the standard, the appeal meets it, resoundingly. This is why NONE of the constitutional issues that appellants set forth by their [October 21, 2024 preliminary appeal statement](#) under the required POINT headings are identified, *to wit*:

“POINT I

The appealed-from October 10, 2024 Decision and Order on Motion and June 20, 2024 Memorandum and Order are ‘so totally devoid of evidentiary support as to render [them] unconstitutional under the Due Process Clause’ of the United States Constitution, [Garner v. State of Louisiana](#), 368 U.S. 157, 163 (1961), [Thompson v. City of Louisville](#), 362 U.S. 199 (1960), and, comparably, under Article I, §6 of the New York State Constitution, ‘No person shall be deprived of life, liberty or property without due process of law’,^{fn1} manifesting the pervasive actual bias of the judges below who concealed their financial and other interests and that they were divested of jurisdiction by reason thereof pursuant to [Judiciary Law §14](#), precluding invocation of the judge-made ‘rule of necessity’, which, moreover, was inapplicable because of the existence of a federal forum pursuant to Article IV, §4 of the United

⁹ ‘See’ is used...when the proposition is not directly stated by the cited authority...there is an inferential step between the authority cited and the proposition it supports”, [The Bluebook: A Uniform System of Citation](#) (18th Ed.), §1.2 “Introductory Signals”.

^{fn1} “Such entitles appellants to an appeal of right, [Valz v. Sheepshead Bay](#), 249 N.Y. 122 (1923): ‘Where the question of whether a judgment is the result of due process is the decisive question upon an appeal, the appeal lies to this court as a matter of right.’ (at p. 132).”

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States Constitution ‘The United States shall guarantee to every State in this Union a Republican Form of Government’.

- A. The appealed-from October 10, 2024 Decision and Order on Motion ([NYSCEF #62](#)), denying petitioners’ July 4, 2024 motion for reargument, leave to appeal, vacatur for lack of jurisdiction and ‘fraud, misrepresentation, or other misconduct of an adverse party’, and transfer to federal court or certification of the question ([NYSCEF #52](#)), is without decision, without facts, and without law – because no decision, facts and law can justify it;
- B. The appealed-from June 20, 2024 Memorandum and Order ([NYSCEF #51](#)) ‘falsif[ies] the record, *in toto*, and upend[s] ALL ethical, adjudicative, and evidentiary standards’ – and was so-demonstrated by appellants’ July 4, 2024 motion whose Exhibit A ([NYSCEF #54](#)) was their ‘legal autopsy’/analysis of it.

POINT II

Appellants’ have a *prima facie* entitlement to summary judgment on each of their ten causes of action of their June 6, 2022 verified petition/complaint ([S.Ct/NYSCEF #1](#)) and September 1, 2022 verified amendment ([S.Ct/NYSCEF #84](#)) – five of which, *on their face*, identify the unconstitutionality for which they sought declarations – which is why the appealed-from June 20, 2024 Memorandum and Order makes no declarations and conceals that appellants sought summary judgment in Supreme Court and on appeal. These five causes of action are:

THE SIXTH CAUSE OF ACTION (§§78-85)

‘Declaring Unconstitutional, Unlawful, and Void Part QQ of Education, Labor, Housing, and Family Assistance Budget Bill #S.8006-C/A.9006-C – the ‘ethics commission reform act of 2022’ – Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw’;

THE SEVENTH CAUSE OF ACTION (§§86-90)

‘Declaring Unconstitutional, Unlawful, and Void the FY2022-23 State Budget, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, Legislative Rules, and Caselaw’;

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THE EIGHTH CAUSE OF ACTION (¶¶91-96)

‘Declaring Unconstitutional, Unlawful, Larcenous, and Void Legislative/Judiciary Budget Bill S.8001-A/A.9001-A, Enacted in Violation of Mandatory Provisions of the New York State Constitution, Statutes, and Legislative Rules, and Caselaw’;

THE NINTH CAUSE OF ACTION (¶¶97-105)

‘Declaring Unconstitutional, Larcenous, and Void the FY2022-23 Appropriations for the New York State Commission on Judicial Conduct, the New York State Inspector General, the Appellate Division Attorney Grievance Committees, and the Unified Court System’s Inspector General – Based on the Evidence of their Flagrant Corruption in Handling Complaints, Furnished by Petitioners at the Legislature’s January 25, 2022 ‘Public Protection’ Budget Hearing and Again by their March 25, 2022 E-Mail’;

TENTH CAUSE OF ACTION (¶¶106-114)

‘Declaring Unconstitutional, *as Written* and *as Applied*, Public Officers Law §108.2(b), Flagrantly Violating Article III, §10 of the New York State Constitution and Legislative Rules Consistent Therewith by Exempting the Legislature from the Open Meetings Law to Enable it to Discuss ‘Public Business’ in Closed-Door Party Conferences – Rather than Openly in Committees and on the Senate and Assembly Floor’.

POINT III

Appellants’ entitlement to summary judgment on their sixth cause of action for a declaration that ‘the ethics commission reform act of 2022’ is unconstitutional, *by its enactment*, moots the constitutional challenge to the statute, *as written* – the sole issue before the Court in *Cuomo v. COELIG* (APL-2024-00076) – absent invocation of exceptions to mootness – which is why the Appellate Division denied, without decision, facts, or law, appellants’ unopposed January 12, 2024 motions in *CJA v. JCOPE, et al.* ([NYSCEF #26](#)) and in *Cuomo v. COELIG* ([CV-23-1778/NYSCEF #31](#)) for the appeals to be heard together and to prevent fraud – and then denied, without decision, facts, or law, appellants’ July 4, 2024 motion for leave to appeal whose three specifically requested certified questions were ([NYSCEF #52](#)):

- ‘Whether, *as a matter of law*, appellants were entitled to summary judgment on their verified petition’s sixth cause of action to void the ‘ethics commission reform act of 2022’ as ‘enacted in violation of mandatory provisions of the New York State Constitution, statutes, legislative rules, and caselaw’?’;

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- ‘Whether, *as a matter of law*, this sixth cause of action moots *Cuomo v. COELIG*, absent invocation of exceptions to mootness?’; and
- ‘Whether, *as a matter of law*, the Court ‘err[ed]’ by its two February 1, 2024 orders [herein](#) and [in *Cuomo v. COELIG*](#), denying, without decision, without facts, and without law, appellants’ unopposed January 12, 2024 motions to have the appeals heard together and to prevent fraud?’”
([October 21, 2024 preliminary appeal statement for APL 2024-150](#), underlining, italics, and hyperlinking in the original).

The Court’s above two LIES by which it dismisses Sassower’s appeal of right were each suggested by Court Clerk Heather Davis’ baseless [November 6, 2024 sua sponte jurisdictional inquiry letter for APL-2024-150](#) – and REBUTTED by appellants’ “papers”, *to wit*, their [December 3, 2024 response](#) (at pp. 2-8), whose facts, law, and legal argument were uncontested by AG James – and which, together with their [December 19, 2024 letter](#), was the basis for their [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\) against AG James](#), the accuracy of which she did not contest – and appellants’ [January 9, 2025 letter](#) highlighted this.

As for **the third “ordering” paragraph** pertaining to Sassower’s direct appeal of right in *CJA v. Compensation Commission... Wilson, Zayas, et al.*, it transfers the appealed-from “Supreme Court” August 2024 and November 2024 orders to the Appellate Division, Third Department on the conclusory LIE “that direct appeals do not lie when questions other than the constitutional validity of a statute is involved (see [NY Const, art VI, §§3\[b\]\[2\]](#), 5[b]; [CPLR 5601 \[b\]\[2\]](#)”.

This LIE was intimated by [Clerk Davis’ November 6, 2024 sua sponte jurisdictional inquiry letter for APL 2024-149](#) and then intimated again by her [December 19, 2024 sua sponte jurisdictional inquiry letter for APL 2024-175](#), notwithstanding it had been REBUTTED by appellants’ “papers”, *to wit*, their [December 3, 2024 response](#) to her inquiry letter for APL 2024-149, stating:

“As to your [] concern, ‘whether...a direct appeal lies pursuant to CPLR 5601(b)(2)’, it is also a deceit.

The constitutional basis for a direct appeal is [Article VI, §3\(b\)\(2\) of the New York State Constitution](#), which provides, ‘In civil cases and proceedings’, for an appeal:

‘As of right, from a judgment or order of a court of record of original jurisdiction which finally determines an action or special proceeding where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States; and on any such appeal only the constitutional question shall be considered and determined by the court.’ (underlining added).

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By contrast, [CPLR §5601\(b\)\(2\)](#) omits the above-underlined from its deceptively-seeming parallel appeal of right on ‘Constitutional grounds’:

‘from a judgment of a court of record of original instance which finally determines an action where the only question involved on the appeal is the validity of a statutory provision of the state or of the United States under the constitution of the state or of the United States.’”

It thereby conceals that pursuant to Article VI, §3(b)(2), a direct appeal of right on a constitutional question is not barred by the presence of non-constitutional questions. Indeed, as reflected by [Sheehan v. County of Suffolk](#), 67 N.Y.2d 52, 57 (N.Y. 1986), an appellant on a direct appeal can ‘waive[] all other nonconstitutional claims (Cohen and Karger, Powers of the New York Court of Appeals §58, at 262-263 [rev ed]).’ – which, if required, appellants would here agree to do.

Yet your November 6, 2024 letter makes no inquiry as to waiver. Nor does it refer to Article VI, §3(b)(1), notwithstanding appellants’ direct appeal invoked it, exclusively, by their [October 21, 2024 notice of appeal](#), with their preliminary appeal statement expressly stating in response to Question #5 as to the ‘Jurisdictional basis for this appeal’:

“[New York State Constitution, Article VI, §3\(b\)\(2\)](#)
comparable, but not identical, to your form option
‘[CPLR 5601\(b\)\(2\)](#): constitutional ground (judgment of court
of original instance)’”
(hyperlinking and underlining in the original).

This showing, uncontested by AG James, plus appellants’ [December 19, 2024 letter](#), were also the basis for their [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\)](#), whose accuracy AG James did not contest, as highlighted by their [January 9, 2024 letter in support of the motion](#) and its incorporated [January 9, 2025 letter, specifically pertaining to APL 2024-175](#).

As for Court’s transfer of the direct appeal to the Appellate Division, Third Department, this was to the very court that had “thrown” BOTH *CJA v. Cuomo...DiFiore* and *CJA v. JCOPE, et al.* All appellants’ “papers” identified this, including their [November 29, 2024 preliminary appeal statement for APL 2024-175](#), where it was stated in the last sentence of their one and only POINT, whose explication of the direct appeal constitutional issue was as follows:

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“POINT I

Chapter 60, Part E, of the Laws of 2015 is Unconstitutional
as Written, as Applied, & by its Enactment – & Must Be So-Declared,
Including Based on this Court’s Opinions in *Delgado v. New York State*

The appealed-from November 13, 2024 decision of Ulster County Surrogate Court Judge Sara McGinty reinforces the unconstitutionality of Chapter 60, Part E, of the Laws of 2015 that is the subject of [appellants’ October 21, 2024 notice of direct appeal, of right, to this Court \(APL# 2024-149\)](#) from the three August 14, 2024 decisions of Rensselaer County Court Judge Jennifer Sober.

Substantiating these two appeals are appellants’ ‘legal autopsy’/analyses of the decisions of both judges, establishing their obliteration of ALL adjudicative standards to AVOID according

‘ANY scrutiny to the ‘force of law’ December 4, 2023 Report of the Commission on Legislative, Judicial and Executive Compensation, let alone the ‘heightened scrutiny’ that then Court of Appeals Associate Judge Wilson held to be required for a ‘force of law’ delegation of legislative power to be constitutional in his concurring opinion in [Delgado v. New York State](#), 39 NY3d 242 (2022), without which the three-judge plurality opinion would not have been a majority...’.

To no avail, appellants explicated *Delgado v. New York State* to both judges, in support of summary judgment, stating:

‘There is NO difference between the plurality opinion, the concurring opinion, and dissenting opinion that statutory compliance is the *sine qua non* for any legislative delegation of power to a commission, agency, or other entity – of constitutional dimension even where the statutory legislative delegation does not bestow ‘force of law’ power. As to ‘force of law’ statutory delegations of legislative power, deemed unconstitutional by the dissenters, the majority’s holding of constitutionality is predicated on strict compliance to the statute by the entity to which the legislative delegation has been made, as the statute replaces the checks-and-balance safeguards of the constitutionally-ordained legislative process, dispensed with by the statute.

Respondent Wilson’s dissent was for purposes of underscoring his constitutional concerns, which he stated to be overcome by the judiciary’s strict scrutiny of compliance with the statute.’ ([NYSCEF #48](#), at pp. 10-11, italics and underlining in the original).

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Both judges also wilfully concealed and ignored ¶34 of the verified petition ([NYSCEF #1](#)) as to unconstitutionality:

‘Chapter 60, Part E, of the Laws of 2015 (§3, ¶7), required the COMMISSION to furnish its report ‘to the governor, the legislature and the chief judge’, to enable them to discharge their checks-and-balances, oversight duties with respect to salary increase recommendations that would otherwise have the ‘force of law’ and be unconstitutional in the absence of their oversight’ (underlining in the original).

Chapter 60, Part E, of the Laws of 2015 is additionally unconstitutional *as written* and *by its enactment*, through the budget and by fraud – and this is particularized by the verified pleadings in the two lawsuits the verified petition highlights (¶¶4, 23), *CJA v. Cuomo...DiFiore* and its ‘continuation’, *CJA v. JCOPE, et al.*, each ‘thrown’ by fraudulent judicial decisions.”

([Nov 29, 2024 preliminary appeal statement for APL 2024-175](#), underlining, italics, and hyperlinking in the original).

Having thus dumped appellants’ two appeals of right without confronting, AT ALL, the facts, law, and argument presented by their “papers”, **the fourth and fifth “ordering” paragraphs** then dump appellants’ [December 23, 2024 motion for enforcement of Court Rule 500.1\(a\)](#) (Mo. No. 2025-25) which pertained to AG James’ fraudulent “papers” before the Court – plainly threshold to the Court’s determination of the appeals, not – as in the Order – after its disposition of the appeals.

The fourth “ordering” paragraph repeats the same fraudulent ground for denying the motion, on behalf of CJA, as the first ordering paragraph had used for dismissing CJA’s appeals, *to wit*, “Elena Ruth Sassower is not Center for Judicial Accountability, Inc’s authorized legal representative (see CPLR 321[a])”.

The fifth “ordering” paragraph then denies the motion as made by “Elena Ruth Sassower on her own behalf” without reasons – plainly because the Order could NOT concoct any for denying either of its two branches pertaining to Attorney General James’ litigation fraud before the Court, demonstrated resoundingly in the “papers” before it.

The March 18, 2025 Order thereupon concludes with the sentence “Chief Judge Wilson took no part.” No reason is given for this euphemism concealing that Chief Judge Wilson disqualified/recused himself. Of the multitude of reasons for his disqualification/recusal – and the Order discloses not a single one – most apply to the associate judges.

Indeed, the ONLY reasons that are exclusive to Chief Judge Wilson are: (1) that he appointed two of the seven members of the Commission on Legislative, Judicial and Executive Compensation, including its chair, former Associate Judge Fahey; and (2) that he is a named respondent in [CJA v. Compensation Commission...Wilson, Zayas, et al.](#), together with Chief Administrative Judge Zayas,

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who he appointed¹⁰ – and that the basis is their wilful violation of their duties, in tandem with Governor Hochul, Lieutenant Governor Delgado, Attorney General James, Comptroller DiNapoli, and the 213 state Legislators, with respect to appellants’ [January 18, 2024 Opposition Report](#) to the Commission’s December 4, 2023 Report addressed to all of them for purposes of assisting their discharge of their:

“Constitutional & Oversight Responsibilities:

- (1) to void the Commission’s ‘force of law’ December 4, 2023 Final Report on Judicial Compensation because it is statutorily-violative, fraudulent, and unconstitutional – and striking the \$34.6 million appropriation for judicial salary increases from the Governor’s Legislative/Judiciary Budget Bill #S.8301/A.8801;
- (2) to refer the Commission’s seven members for criminal prosecution – and for Attorney General James to herself bring such prosecution – based on penal law violations including:

Penal Law §175.35: ‘Offering a false instrument for filing
in the first degree’;

Penal Law §195: ‘Official misconduct’;

Penal Law §105.15: ‘Conspiracy in the second degree’;

Penal Law §20.00: ‘Criminal liability for conduct of another’;

Penal Law Article 496: ‘PUBLIC TRUST ACT’

§496.06: ‘Public corruption’;

§496.05: ‘Corrupting the government in the first degree’;

- (3) to hold hearings on the corruption in New York’s judiciary to which the three judicial pay raise opponents attested, with evidence – involving the corruption of the Commission on Judicial Conduct, the Appellate Division attorney grievance committees, and the OCA Inspector General.” (bold in the original).

The referred-to “corruption in New York’s judiciary” is, expressly, its “throwing” cases by fraudulent judicial decisions, specified by the Opposition Report to include the Court of Appeals –

¹⁰ The [form Chief Judge Wilson completed and signed on March 14, 2025](#), pursuant to [Judiciary Law §9](#) which requires a reason be given, stated he was “recusing [him]self because:

“I (or my spouse or a person I know to be within the sixth degree of relationship of either myself or my spouse or the spouse of such person) am a party in this proceeding.”

He left blank the further reason “I am otherwise required by law (identify statute _____) to recuse myself.” The statute is [Judiciary Law §14](#), also proscribing a judge participating where “he is a party” – and, additionally, where “he is interested”.

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with the evidence to which “the three judicial pay raise opponents attested” set forth in its “Introduction” (at pp. 1-5) as:

- “[*CJA v. Cuomo...DiFiore*](#), challenging, *inter alia*, the constitutionality of Part E, Chapter 60 of the Laws of 2015 and seeking to void the ‘false instrument’ December 24, 2015 Report of the (1st) Commission on Legislative, Judicial and Executive Compensation and the ‘false instrument’ August 29, 2011 Report of the Commission on Judicial Compensation – ‘thrown’ by fraudulent judicial decisions up to the Court of Appeals, on which was then sitting, as associate judges, Commission Chair Eugene Fahey and now Court of Appeals Chief Judge Rowan Wilson – designated EXHIBIT A” (at pp. 1-2, hyperlinking added);
- “[*CJA v. JCOPE, et al.*](#), which is ‘where we’re at now’, being ‘the continuation of *CJA v. Cuomo...DiFiore*’ involving complaints based thereon and related thereto, including against ‘Judge Fahey and his brethren on the Court of Appeals’, whose judicial odyssey establishes ‘once again, how the judiciary comports itself when the issue is its self-interest in pay raises and what has been going on’, presently [at the Appellate Division, Third Department](#) – designated EXHIBIT B” (at p. 2, hyperlinking added);
- “[CJA’s lawsuit against the Commission on Judicial Conduct](#), identified as having been furnished, in 2011, to the Commission on Judicial Compensation to substantiate CJA’s assertion, ‘at that time’, that ‘the judiciary throws cases by fraudulent judicial decisions’, itself ‘thrown by fraudulent decisions going up to the Court of Appeals’” (at p. 2, hyperlinking added);
- “[CJA’s Independent Expert Report pertaining to a sealed Family Court case from Monroe County](#), identified as establishing that the judiciary’s corruption is not just ‘in cases of magnitude’ and that it was ‘only the first piece’ whose continuation involves the Appellate Division, Fourth Department.” (at p. 2, hyperlinking added) – with that “continuation” thereafter furnished by three additional evidentiary submissions:
 - “[CJA’s October 16, 2023 e-mail](#) entitled: ‘Furnishing the Commission on Legislative, Judicial & Executive Compensation with EVIDENCE, in real time, as to how the AD-1 Attorney Grievance Committee & OCA Inspector General Operate – AD-1 justices & OCA admin judges with respect thereto’”, pertaining to CJA’s October 10, 2022 complaint to the Appellate Division, First Department Attorney Grievance Committee against AG James for her litigation fraud in *CJA v. JCOPE, et al.* in Albany Supreme Court and February 11, 2021 complaint against AG James and Solicitor General Underwood for litigation fraud in *CJA v. Cuomo...DiFiore* before the Court and the Appellate Division, Third Department;

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- “[CJA’s October 25, 2023 e-mail](#) entitled: ‘Monroe County Family & Supreme Courts & Fourth Dept Appellate Division – Follow-up to Testimony at Oct 13th Hearing of the Commission on Legislative, Judicial & Executive Compensation’ – and [CJA’s October 26, 2023 e-mail](#) relating thereto entitled ‘The Unified Court System’s policy of uniformity for attorney disciplinary matters – to which the attorney grievance committees of the Appellate Division, Fourth Dept. have excepted themselves’”, transmitting [CJA’s October 25, 2023 complaint based on the “Independent Expert Report”](#) addressed to the Commission on Judicial Conduct, the Appellate Division, Fourth Department Attorney Grievance Committees, the Court’s Inspector General, Chief Administrative Judge Zayas, and Statewide Coordinating Judge for Family Court Matters Richard Rivera¹¹ (at pp. 2-3, hyperlinking in the original).
- The “[Independent Report on Corruption and Waste in the Court System in 2023](#)” by Sebastian Daggart, executive director of the New York Families Civil Liberties Union (at p. 4);
- The [inventory of 22 civil cases](#) appealed to the Court of Appeals by Robert L. Schulz, founder and chairman of the We, The People Foundation for Constitutional Education, establishing “‘judicial repeal’ of provisions of the New York State Constitution by New York’s judiciary, colluding in violations of the State Constitution by the executive and legislative branches, wherein the Court of Appeals had subverted the standard for appeals of right guaranteed by Article VII §(3)(b)(1) of the State Constitution wherein ‘is directly involved the construction of the constitution of the state or the United States’, which he had satisfied, by orders, unsigned by any judge, dismissing the appeals ‘upon the ground that no substantial constitutional question is directly involved’, which he had also satisfied...” (at pp. 4-5).

The Opposition Report identified (at p. 15) that among the 22 civil cases in Mr. Schulz’ inventory were cases in which Chair Fahey had participated as an associate judge and that the 22 cases “reinforced what *CJA v. Cuomo...DiFiore* had documented with respect to appeals of right – and, additionally, with respect to appeals by leave and by direct appeal”. The Opposition Report then substantiated this by an Exhibit A containing 13 pages of excerpts from “the most important documents of the *CJA v. Cuomo...DiFiore* record at the Court of Appeals”, prefaced by a paragraph stating the situation more emphatically:

“The [record of *CJA v. Cuomo...DiFiore* at the Court of Appeals](#) is an overwhelming, open-and-shut evidentiary record of precisely what Mr. Schulz would separately

¹¹ The Opposition Report (at fn. 5) also hyperlinked to a [webpage](#) showing how the five entities and officers to whom the complaint was addressed had handled it.

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testify about concerning appeals of right at the Court of Appeals, based on his own decades of experience – and the list of 22 cases, annexed to his [written testimony](#). Indeed, *CJA v. Cuomo...DiFiore* goes way beyond chronicling the Court’s subversion of Article VI, §3(b)(1) for appeals of right. It also chronicles – and just as decisively – the Court’s subversion of Article VI, §3(b)(6) for appeals by leave, and Article VI, §3(b)(2) for direct appeals.”

By the [March 18, 2025 Order](#), the Court added *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.* to the list of cases wherein, by LIES, it had flagrantly corrupted its constitutionally-mandated function, demonstrating what [appellants’ March 26, 2019 letter to the Court in support of their appeal of right in CJA v. Cuomo...DiFiore](#) had described as “Collusion of Powers”,¹² thereafter manifested by each of the Court’s five orders therein.

The current associate judges who were not on the Court in 2019 and 2020, when *CJA v. Cuomo...DiFiore* was before it, are Singas, Cannataro, Troutman, and Halligan. Nevertheless, appellants’ “papers” to which the March 18, 2025 Order purports they gave “due deliberation”, afforded them all the pertinent particulars about *CJA v. Cuomo...DiFiore* and its record before the Court. Most importantly:

- appellants’ [December 3, 2024 letter to Clerk Davis in support of their appeal of right in APL 2024-150](#) (at pp. 6-15) whose presentation about *CJA v. Cuomo...DiFiore* was prefaced by the phrase “As you know, we have been around this block before”, and

¹² Under the heading “In Conclusion: New York’s Constitution Has Been Undone by Collusion of Powers”, the March 26, 2019 letter had stated:

“No fair and impartial tribunal, constitutionally charged, as this Court is, with reviewing appeals wherein is ‘directly involved the construction of the constitution of the state’, could fail to discharge that duty here.

What is before the Court, on this appeal of right, is catastrophic. Gone is the constitutional design of separation of executive and legislative powers – replaced by collusion of powers that has undone our State Constitution. And more than the budget is at issue. It is the very governance of this State, as the budget has become a pass-through for policy having nothing to do with the budget – the ‘proposed legislation, if any’ of Article VII, §3 having become separated from its meaning in Article VII, §2: ‘proposed legislation, if any, which the governor may deem necessary to provide moneys and revenues sufficient to meet such proposed expenditures [of the budget]’,^{fn11} further foisted by constitutionally unauthorized ‘non-appropriation’ Article VII budget bills.^{fn12}’ (at pp. 21-22, underlining in the original).

The annotating footnotes, citing to Chief Judge Kaye’s dissenting opinion in *Pataki v. Assembly/Silver v. Pataki* and the Court’s 2001 decision in *Silver v. Pataki*, would become the basis of the analysis in [appellants’ March 18, 2020 letter to then Governor Cuomo](#) that, in June 2022, would be the “starting point” for their [sixth cause of action in CJA v. JCOPE, et al.](#)

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- appellants' [December 3, 2024 letter in support of their direct appeal of right in APL 2024-149 \(at pp. 2, 4\)](#), also with that prefacing phrase.

This, however, was not the first time that Associates Judges Singas, Cannataro, Troutman, and Halligan were confronted with *CJA v. Cuomo...DiFiore*:

- **Associate Judge Singas**, as Nassau County D.A., was given repeated notice in 2016 of the facts giving rise to *CJA v. Cuomo...DiFiore*, namely, that by virtue of the statutory link between judicial and D.A. salaries, she and her fellow D.A.s were beneficiaries of the “false instrument” August 29, 2011 Report of the Commission on Judicial Compensation and December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation – and that their duty was to disavow the raises to their salaries resulting therefrom and to secure vacatur of the Reports. This culminated in appellants filing an [October 14, 2016 complaint against then D.A. Singas and her fellow D.A.s with the Attorney Grievance Committees](#) – and, thereafter, appellants' [June 10, 2020 grand jury/public corruption complaint to her](#), which she “sat on”. Based thereon, appellants opposed her nomination by Governor Cuomo to the Court of Appeals, furnishing her with the particulars by a [June 7, 2021 e-mail](#) (Exhibit 2a), annexing a [narrative exposition with questions](#) (Exhibit 2b) for her to answer at the Senate Judiciary Committee's June 8, 2021 “meeting” to confirm her nomination, plus a [substantiating EVIDENTIARY webpage](#);
- **Associate Judge Cannataro**, who, in 2002 has been principal law clerk to Associate Judge Carmen Ciparick, was nominated to the Court by Governor Cuomo at the same time as Associate Judge Singas. He was sent the same [June 7, 2021 e-mail](#) (Exhibit 2a), annexing a [narrative exposition with questions](#) as to his knowledge and complicity in the Court's “throwing” of [E.R. Sassower v. Commission on Judicial Conduct](#) in 2002, (Exhibit 2c) for him to answer about it and about *CJA v. Cuomo...DiFiore*, at the Senate Judiciary Committee's June 8, 2021 “meeting” to confirm his nomination, including pertaining to *CJA v. Cuomo...DiFiore*, plus a [substantiating EVIDENTIARY webpage](#);
- **Associate Judge Troutman**, who Governor Hochul nominated in November 2021 to succeed retiring Associate Judge Fahey, was, together with him, at the Senate Judiciary Committee's April 16, 2023 “meeting” to confirm Governor Hochul's nomination of Associate Judge Wilson as Chief Judge, at which Sassower requested to be permitted to testify as to his corruption on the bench. Associate Judge Troutman would have heard the following:

“Judge Wilson is a corrupt judge and I've furnished the evidence of this to every member of the Committee with a request to testify against him under oath. May I testify in his presence so that he can respond?

May I testify as to his corruption, of which I have furnished you with

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evidence. Will you furnish my statement to the full Senate?”

Hoylman: “The meeting is still going on, please.”

[someone saying, perhaps one of the guards: “This is not the forum.”]

“Of course it is the forum. This is the forum to examine whether or not he is fit for elevation as chief judge. He must be removed as associate judge for his corruption in office and I wish to testify as to the evidence of this.

He has thrown cases suing you for your corruption involving the budget and the pay raises of which you are beneficiaries. You are acting on your self interest. He has corrupted his office and has corrupted state governance and you are colluding with him. You are benefiting from what he has done. You are sued for corruption involving the budget. The statement about which I wish to testify was furnished to each member of this Committee. It’s posted on the website of the Center for Judicial Accountability, of which I am the co-founder and director – www.judgewatch.org – top panel ‘Latest News’.”

Hoylman: “If you can leave your statement with us.”

“You already have it. It was sent to every member and I furnished you a hard copy, with a request to testify. He has corrupted his office. Cases are perfect trails, there is a record – and the record is unequivocal. He corrupted his office to benefit himself and you.

And it’s time that the press did some investigation of what they have been suppressing for years.

I wish to testify and tomorrow against Ms. Halligan for corrupting her office as solicitor general.”

Hoylman: “Thank you so much. We do have her testimony, as it were. It was submitted, as I understand.” (Exhibit 3).

- **Associate Judge Caitlin Halligan**, who, presumably, watched the livestream of the Senate Judiciary Committee’s April 16, 2023 “meeting” and, thereafter, the VIDEO, and examined Sassower’s referred-to [statement, posted on CJA’s then “Latest News”](#), pertaining to what Associate Judge Wilson and fellow associate judges had done, both in *CJA v. Cuomo...DiFiore*, and the related [Delgado v. NYS](#) lawsuit and about what she had done, in 2001 and 2002, as Solicitor General, corrupting the judicial process at the Appellate Division and before the Court of Appeals in [E.R. Sassower v. Commission on Judicial Conduct](#) (Exhibit 3).¹³ This is the same case as

¹³ The lawsuit record includes Sassower’s [October 2, 1999 letter](#), [October 4, 1999 letter](#), and [October 9, 1999 letter](#) to the then newly-appointed Solicitor General Halligan, following which ALL the litigation fraud of the Solicitor General’s Office continued unabated [at the Appellate Division](#) and [at the Court of Appeals](#) for the next three-plus years.

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cited in the “Introduction” of the January 18, 2024 Opposition Report (at p. 2) as CJA’s lawsuit against the Commission on Judicial Conduct.

The above Exhibits 2 and 3 – consisting of contemporaneous e-mails to the Legislature – establish the Legislature’s deliberate corrupting of “merit selection” to the Court of Appeals, guaranteed by Article VII, §§2(c), (d), and (e), which is what appellants have been repetitively documenting for more than 30 years, including with respect to Associate Judge Garcia (Exhibit 4).¹⁴

The “merit selected” judges then return the favor by “throwing” cases involving the Legislature and the Governors who have appointed them, either by not taking review of appeals that expose their corruption or, upon taking review, by rendering contrived, corruption-concealing cover-up decisions. Exemplifying the latter:

- the Court’s December 16, 2004 plurality, concurring, and dissenting opinions in *Pataki v. Assembly/Silver v. Pataki*, 4 NY3d 75 – analysis of which is contained in appellants’ March 18, 2020 letter to then Governor Cuomo, the “starting point” for the sixth cause of action in *CJA v. JCOPE, et al.* as to the unconstitutionality of the so-called “Article VII” non-appropriations bills which, by fraud, become the vehicle for loading the budget with substantive policy unconnected with taxes or revenues – which is how “the ethics commission reform act of 2022” was inserted into the budget;
- the Court’s November 17, 2022 plurality, concurring, and dissenting opinions in *Delgado v. New York State*, 39 NY3d 242 – analysis of which is contained in appellants’ opposition to Chief Judge Wilson’s confirmation (Exhibit 3).

A more recent example – and directly germane to the Court’s March 18, 2025 Order – is its February 18, 2025 majority and dissenting opinions in *Cuomo v. COELIG*, whose fraud and cover-up required

¹⁴ *E.R. Sassower v. Commission on Judicial Conduct* was the most explosive evidentiary presentation of the corruption of “merit selection” to the Court as its April 22, 1999 verified petition chronicled, with evidentiary proof, its corrupting by the Commission on Judicial Nomination and by then Governor Pataki with respect to Albert Rosenblatt’s appointment as associate judge. On May 1, 2002, when Sassower appealed the case, of right, to the Court, she accompanied it with a disqualification/disclosure motion additionally chronicling, with evidentiary proof, the corruption of “merit selection” with respect to Associate Judge Victoria Graffeo, Associate Judge Howard Levine, and Associate Judge Carmen Ciparick.

CJA v. Cuomo...DiFiore, by its underlying record of prior lawsuits, furnished further evidentiary proof as to the Legislature’s corruption of “merit selection” pertaining to the confirmations of Associate Judge Susan Read, Associate Judge Robert Smith, Associate Judge Eugene Pigott, Associate Judge Theodore Jones, Jr., of Chief Judge Kaye’s reappointment, and of Chief Judge Jonathan Lippman. This, by appellants’ March 30, 2012 verified petition in their underlying declaratory action *CJA v. Cuomo, et al.* As to the Legislature’s corruption of “merit selection” pertaining to the confirmation of Chief Judge Janet DiFiore, the evidentiary proof was by appellants’ March 23, 2016 second supplement complaint in their predecessor *CJA v. Cuomo, et al.* citizen-taxpayer action on which the September 2, 2016 verified petition in *CJA v. Cuomo...DiFiore* rests – with two of its exhibits, their December 31, 2015 letter to then Chief Judge Nominee DiFiore and their January 15, 2016 letter to Legislative Leadership, furnished to the Court by appellants’ May 31, 2019 motion to reargue their appeal of right (¶40), annexing the letters as Exhibits G and H.

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that the Court first deny Sassower's [December 16, 2024 motion](#) therein for leave to file an *amicus curiae* brief "to prevent fraud on the court" by the parties and *amici* and for enforcement of the Court's Rule 500.1(a) against them. The Court did this by its [January 9, 2025 Order](#), unsigned by any judge and purporting that "**Present**" and "**presiding**" was *Senior Associate Judge*" Rivera, stating:

"Upon the papers filed and due deliberation, it is

ORDERED, that the motion, insofar as it seeks leave to file a brief *amicus curiae* on the appeal herein, is denied (*see* Rules of Ct of Appeals [22 NYCRR] §500.23 [‘Amicus curiae relief will be denied where acceptance of the amicus curiae submission may cause the recusal or disqualification of one or more Judges of the Court’]); and it is further

ORDERED, that the motion is otherwise denied.

Chief Judge Wilson and Judge Cannataro took no part."

The reason Associate Judge Cannataro "took no part" – as evident from the "[Reason for Recusal \(Judiciary Law §9\)](#)" form he signed on January 8, 2025 – was because he had recused himself from the *Cuomo v. COELIG* appeal based on an opinion of the Advisory Committee on Judicial Ethics.¹⁵ By contrast, the "[Reason for Recusal \(Judiciary Law §9\)](#)" form that Chief Judge Wilson signed on January 9, 2025, was only for Sassower's *amicus curiae* motion and stated, as its reason:

"I am recusing myself because...I wish to avoid any potential appearance of impropriety that my impartiality might be questioned because – Counsel for the Office of Court Administration is representing a party".

This is false. There was no "Counsel for the Office of Court Administration...representing a party" – and AG James, representing COELIG, did not oppose the filing of the *amicus curiae* brief. In any event, the pretext that Sassower's *amicus curiae* motion might "cause the recusal or disqualification of one or more Judges of the Court" was false, as ONLY one judge "took no part" on appellants' appeals – Chief Judge Wilson – so, apparently, he was the ONLY judge who, had Sassower's *amicus curiae* motion been granted, would have recused himself from the *Cuomo v. COELIG* appeal. Nor would his recusal/disqualification from *Cuomo v. COELIG* be a reason for denying an unopposed motion for leave to file an *amicus curiae* brief establishing that the parties and *amici* therein were committing "fraud on the court".

Tellingly, the January 9, 2025 Order gives no reason for "otherwise" denying the motion, by which it means the motion's second branch for enforcement of Court Rule 500.1(a) to ensure the integrity of the Court's own proceedings.

¹⁵ Peculiarly, the form was signed January 8, 2025, but [the Order designating Appellate Division, First Department Justice Saliann Scarpulla](#) to replace Associate Judge Cannataro was signed and attested to on December 16, 2024 by Chief Judge Wilson and Clerk Heather Davis, respectively.

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Bottom line is that, having given “due deliberation” to “the papers” on [the motion](#), the judges knew:

- that the “ethics commission reform act of 2022” – whose constitutionality, *as written*, was the sole issue in *Cuomo v. COELIG* – was NOT a “duly enacted statute”, but, rather, was enacted, unconstitutionally, through the budget and by fraud – the subject of the [sixth cause of action](#) in *CJA v. JCOPE, et al.* for a declaration of its unconstitutionality and voiding, to which appellants had a summary judgment entitlement – and that this mooted the *Cuomo v. COELIG* challenge to its constitutionality, *as written*, absent the Court’s invocation of exceptions to mootness;
- that ulterior motives lay behind the “ethics commission reform act of 2022” – namely, eliminating salutary provisions of the predecessor JCOPE statute that gave complainants rights enforceable by mandamus; and
- that the result of the “ethics commission reform act” – COELIG – was NOT an effective ethics entity, in contrast to JCOPE which it had replaced.

Nonetheless, at [the January 7, 2025 oral argument of *Cuomo v. COELIG*](#), none of the judges asked any questions or made any comments consistent with the facts and law of the motion they would deny two days later – and five and a half weeks later, by their [February 18, 2025 majority and dissenting opinions](#), replicated the deceptions the motion exposed.

The majority opinion, upholding the constitutionality of the “ethics commission reform act of 2022”, *as written*, was by Associate Judge Rivera, to which Chief Judge Wilson and Associate Judges Troutman and Halligan concurred. Its very first sentence of exposition of legal principles applicable to Cuomo’s facial challenge (at p. 10) was:

“Duly enacted legislation is entitled to a strong presumption of constitutionality (see [White v. Cuomo](#), 38 NY3d 209, 216 [2022])...”

No disagreement on this by Associate Judge Garcia who wrote the dissenting opinion deeming the “ethics reform commission act” unconstitutional, *as written*, to which Associate Judge Singas and the vouched-in Associate Judge Scarpulla joined.

Yet neither opinion asserted, let alone showed, that “the ethics commission reform act” was “Duly enacted” – reflective of their knowledge that it was NOT and the consequences of same, *to wit*, that the “ethics commission reform act of 2022” was VOID, mooting whether the statute was constitutional, *as written*, absent invocation of exceptions to mootness.

Associate Judge Rivera’s majority opinion then recited (at p. 10), as its second legal principal – also not excepted to by Associate Judge Garcia’s dissent:

“... ‘all the legislators and the Legislature itself are entitled to the presumption that they act only in accordance with the fulfillment of their oaths of office’ (Cohen, 94

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NY2d at 13)...”.¹⁶

No mention that the presumption is rebuttable – which Sassower’s [amicus curiae brief](#) (at fn. 2 & pp. 9-10) had highlighted in rebutting it, resoundingly, by the *CJA v. JCOPE, et al.* verified petition as to the background facts pertaining to the “ethics commission reform act of 2022”.

Finally, Associate Judge Rivera’s majority opinion credited that the “ethics commission reform act of 2022” was motivated by the desire to create an effective ethics enforcement entity (at p. 24):

“It is undisputed that the Act and the Commission structure are designed to address a serious threat to public confidence in government identified by both branches and by advocates. As such, the Act furthers ‘a paramount State interest’ (Cohen, 94 NY2d at 12), in ensuring that executive officials comply with the ethics laws, which is essential to regaining and retaining public trust in government. Given the significant challenges posed by executive officials’ self-regulation, including the risk that an individual might elevate their private interests over those of the communities they are charged to serve, the joint decision of the Governor and Legislature to create an ethics commission independent of direct political control is entitled to substantial consideration by this Court.”

This was not dissented-from by the minority (at pp. 16-18), which further noted the majority view (at p. 11) “that the act accomplishes this goal”. Both opinions simply ignored that Sassower’s *amicus curiae* brief (at pp. 9-14) evidentially demonstrated that neither was true and, as to the latter, that COELIG is even more corrupt than JCOPE was with respect to its most essential function – investigation and referral of complaints, and, specifically, complaints against New York’s highest executive and legislative officers, colluding with the judiciary, to corrupt lawful, constitutional state governance involving the state budget and the “force of law” commission scheme that gave “false instrument” salary raises to them all.

Suffice to say that although the appeal in [Cuomo v. COELIG](#), standing on its own, presented no interests that disqualified the Court’s judges, this was due to the fraud of the parties and *amici* therein. The true picture emerged from Sassower’s *amicus curiae* motion – from which could be seen that the judges had HUGE disqualifying interests, divesting them of jurisdiction pursuant to [Judiciary Law §14](#), inasmuch as complaints filed with COELIG against executive and legislative officers, such as appellants’, involved their corrupting of state governance, in collusion with the judiciary. Both the majority and minority actualized those interests by their materially-fraudulent February 18, 2025 opinions.

As with the two appeals herein, the interests of the Court’s judges in *Cuomo v. COELIG* were disqualifying and divested them of jurisdiction – and their duty was to have transferred all three appeals to federal court or to have certified the question.

¹⁶ [Cohen v State of New York](#), 94 NY2d 1 (1999) was a direct appeal of right.

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POSTSCRIPT

Prior to rendering the [March 18, 2025 Order](#), the Court would reasonably have known that ALL the corruption of constitutional, lawful state governance that *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.* sought to rectify by causes of action to which appellants had a summary judgment entitlement – as, likewise, that *CJA v. Cuomo...DiFiore* had sought to rectify by its summary judgment-entitled causes of action – was continuing unabated.

The (3rd) Commission on Legislative, Judicial and Executive Compensation went on to replicate, in its second phase of operations, all the statutorily-violative, fraudulent, and unconstitutional conduct of its first phase – and appellants demonstrated this by a [February 3, 2025 Opposition Report](#) to its November 14, 2024 Report, whose recommendations, by “force of law”, raised the salaries of Executive Law §169 officers – and possibly others – effective January 1, 2025. This February 3, 2025 Opposition Report was addressed to the same recipients as appellants’ [January 18, 2024 Opposition Report](#) – Chief Judge Wilson and Chief Administrative Zayas, among them – once again to assist them in discharging their “**Constitutional & Oversight Responsibilities**”.

Did Chief Judge Wilson apprise the associate judges of this – and that he was taking no steps consistent therewith? This was certainly germane to the unconstitutionality of Chapter 60, Part E of the Laws of 2015 “*as Written, as Applied, & by its Enactment*” that was the SOLE issue for which the direct appeal in *CJA v. Compensation Commission...Wilson, Zayas* sought review (quoted at pp. 10-11, *supra*).

And were they not aware of what was happening with the state budget for FY2025-26 – replicating ALL the constitutional, statutory, and legislative rule violations of prior state budgets and, like them, massively larcenous and packed with substantive policy unconnected with taxes or revenue, inserted, by fraud, by misnomered “Article VII” bills – all such violations embraced by the appeal of right sought for the sixth, seventh, eighth, ninth, and tenth causes of action of *CJA v. JCOPE, et al.* (titles quoted at pp. 6-7, *supra*).

As in prior years, appellants furnished testimony for the Legislature’s budget hearings – which, as in prior years, was posted on CJA’s website, www.judgewatch.org, accessible from the prominent homepage link: “[LEGISLATIVE SESSIONS -- Comparing NY’s Legislature BEFORE & AFTER its Fraudulent Pay Raises](#) No Change: The Legislators are the SAME Posturing Fraudsters, Perpetuating a Legislature that Does NOT Function at a Constitutional Level”:

- [written testimony for the Legislature’s February 4, 2025 budget hearing on “local government officials”/general government](#), additionally furnishing an update about *CJA v. JCOPE, et al.* and *CJA v. Compensation Commission...Wilson, Zayas, et al.*, and annexing the February 3, 2025 Opposition Report;
- [written testimony for the Legislature’s February 13, 2025 budget hearing on “public protection”](#) – the hearing at which Chief Administrative Judge Zayas testified – highlighting the ninth cause of action of *CJA v. JCOPE, et al.* and its ¶103:

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“It is unconstitutional – and a larceny of taxpayer monies – for taxpayers to fund ethics entities which are NOT doing the job for which they are paid – and which these entities conceal by false pretenses, including in support of their funding requests...”

and annexing a list of questions for Temporary Senate President Stewart-Cousins and Assembly Speaker Heastie to answer about the Legislature’s proposed FY2025-26 budget that they had not certified – and about Governor Hochul’s Legislative/Judiciary appropriation bill;

- [written testimony for the Legislature’s February 25, 2025 budget hearing on “higher education”](#), reflecting, yet again, a dysfunctional Legislature not operating at a constitutional level.
- a [March 11, 2025 FOIL request to Chief Administrative Judge Zayas](#) – cc’ing the chairs and ranking members of the Senate and Assembly fiscal and judiciary committees, to whom it was [e-mailed, simultaneously](#) – for records pertaining to the Judiciary’s proposed FY2025-26 budget, whose “itemized estimates” Chief Judge Wilson certified and [the Court’s seven judges approved](#) on November 19, 2024, and about Governor Hochul’s Legislative/Judiciary appropriation bill – and ending with these two requests:

“(16) records reflecting what actions you took in response to [CJA’s October 25, 2023 complaint to you](#) against ‘Judges, Government-Attorneys, & Government-Retained Attorneys Arising from a Fraudulent, Culturally-Biased Child Abuse/Neglect Petition against Innocent Parents’ to ensure its proper handling by the Commission on Judicial Conduct and by those within your supervisory purview, *to wit*, the Appellate Division Attorney Grievance Committees, the Inspector General, and Statewide Coordinating Judge for Family Court Matters Richard Rivera – germane, *inter alia*, to your ‘Effectively Serving Families’ section of your ‘Introduction’ (at p. iv) and what the ‘Introduction’ (at p. iii) identifies as

‘Enhanced funding for Attorney for Child (AFC) providers (\$6.5 million including \$1.2 million enhanced funding and \$4.4 million from UCS IV-E base funds): to support \$113 million for AFC contractual providers, reflecting a 35% increase in funding since FY 2023’ (underlining in the original);

and, repetitively, under a heading ‘Attorney for Child Representation’ (at pp. vii) states:

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‘The FY 2026 Budget Request includes \$113 million to support the Attorney for the Child contractual providers. The request supports a 3% cost-of-living adjustment for all contractual providers as well as other contractual enhancements. Additional enhanced funding will also be distributed to the providers through the UCS IV-E Fund for a total contractual increase of \$9.6 million (9.2%).’

with the whopping appropriation request for the ‘Attorney for the Child Program’ – part of your ‘Appellate Auxiliary Operations’ – identified by your FY25-26 Budget submission (at pp. 72-73) as \$211,188,000.

- (17) records reflecting what actions you and Chief Judge Wilson took with respect to [CJA’s January 18, 2024 Opposition Report to the December 4, 2023 Report on Judicial Compensation of the Commission on Legislative, Judicial and Executive Compensation](#), addressed to you both – germane to your FY25-26 Budget submission, especially with respect to judicial salaries, the Appellate Division Attorney Grievance Committees, the Inspector General, and ‘Administration and General Support’ (pp. 83-84) – the latter seeking \$26,791,000 ‘or an increase of \$1.9 million (7.6%) over the current year adjusted appropriation’.^{fn4}”, whose annotating footnote read:

“Apparently, ‘Administration and General Support’ is a real growth area, as in your last year’s FY2024-25 Budget submission (at p. 110), your request was \$25,152,226, ‘an increase of \$3.2 million (14.5%) over the current year adjusted appropriation.’”

Appellants have received no response to any of the foregoing, other than to the FOIL request. [The Office of Court Administration has responded that it needs more time.](#)

*Written by Elena Ruth Sassower
and attested by her as true under penalties of perjury*

Dated: April 17, 2025
White Plains, New York

Exhibit B

TABLE OF EXHIBITS

- Exhibit 1: Appellants' February 7, 2021 complaint to NYS Commission on Judicial Conduct against the Court's judges based on *CJA v. Cuomo...DiFiore*
- Exhibit 2a: Appellants June 7, 2021 e-mail to the Senate Judiciary Committee entitled "Your tomorrow's 'meeting' on the nominations of Singas & Cannataro to the NY Court of Appeals – UNCONSTITUTIONAL & FRAUDULENT, as it has not been preceded by vetting of the EVIDENCE decisive of their unfitness, of which you have had NOTICE"
- Exhibit 2b: Appellants' narrative exposition with questions for Associate Judge Nominee Singas
- Exhibit 2c: Appellants' narrative exposition with questions for Associate Judge Nominee Cannataro
- Exhibit 3: Appellants' April 18, 2023 e-mail to the Secretary of the Senate entitled "Requested distribution of CJA's April 17, 2023 e-mail/written testimony/statement to ALL 63 Senators BEFORE floor votes on the Court of Appeals nominations of Wilson & Halligan", with previous April 16-17, 2023 e-mails to ALL Senate Judiciary Committee members
- Exhibit 4: Appellants' February 8, 2016 statement in opposition to confirmation of Associate Judge Nominee Garcia