



**OFFICE OF THE ALBANY COUNTY DISTRICT ATTORNEY
PUBLIC INTEGRITY UNIT**

Albany County Judicial Center
Albany, New York 12207
Fax Number (518) 487-5093

COMPLAINT FORM

PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
COMPLETE THE ENTIRE FORM AND SIGN.
RETURN/SEND FORM TO THE PUBLIC INTERGRITY UNIT.

YOUR CONTACT INFORMATION

Your name: Steno Sassorone Home Phone: 646-220-7987
Street Address: Box 8101 Business Phone: 914-421-1200
City/Town: White Plains State: NY Zip: 10603 County: Westchester

YOUR COMPLAINT

Public Agency/Individual you are complaining about: NYS Governor Andrew Cuomo John
Temporary Senate President Flanagan
Street Address (if known): Executive Chambers, the Capitol + his predecessor Dean Skelos
City/Town: _____ State: _____ Zip: _____ County: state offices Assembly Speaker
Has this matter been submitted to another agency? Yes No Carl Heastie +
If so, which agency? Commission to Investigate Public Corruption his predecessor
Is there any legal action pending? Yes No Sheldon Silver;
If so, where and what? Supreme Ct/Albany - citizen appeal action NYS Chafetz
James DiFiore
+ her predecessor
Jonah Lippman;

PLEASE BRIEFLY DESCRIBE YOUR COMPLAINT BELOW
(use back of form or attach additional documentation if necessary)

Grand Corerary of the
Public Fisc
+ other corrupt
Acts
see accompanying June 21, 2016
letter!
members of the Commission on
Legislative, Judicial + Executive
Compensation + of the predecessor
Commission on Judicial
Compensation;
Attorney General Eric Schneiderman
Comptroller Thomas DiNapoli;

READ THE FOLLOWING BEFORE SIGNING BELOW:

I understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature: Steno Sassorone Date: June 21, 2016

Return to: **OFFICE OF THE ALBANY COUNTY DISTRICT ATTORNEY
PUBLIC INTEGRITY UNIT**

Albany County Judicial Center, 6 Lodge St 4th Floor, Albany, New York 12207
Fax Number (518) 487-5093

Received by: _____ Date: _____

CENTER for JUDICIAL ACCOUNTABILITY, INC.

Post Office Box 8101
White Plains, New York 10602

Tel. (914)421-1200

E-Mail: cja@judgewatch.org
Website: www.judgewatch.org

June 21, 2016

Albany County District Attorney P. David Soares
Albany County Judicial Center
6 Lodge Street, 4th Floor
Albany, New York 12207

- RE:
- (1) What is the status of CJA's July 19, 2013 corruption complaint and January 7, 2014 supplement? – beginning with your resolution of the conflict of interest issues presented therein;
 - (2) Initiation of a second supplemental corruption complaint – and how will you be handling the conflict of interest issues it presents?;
 - (3) Request for intervention in the citizen-taxpayer action *CJA v Cuomo, et al.* (Albany Co. Supreme Court #1788-2014)

Dear District Attorney Soares:

This follows up my voice mail messages for your Public Integrity Unit's bureau chief, Eric Galarneau, on Friday, June 10, 2016, and then again on Tuesday, June 14, 2016 – to which I have received no response. Assumedly, Bureau Chief Galarneau is among the seven bureau chiefs whose salary you are planning to establish at \$108,000 a year. ("*Albany County DA's salary shuffle aimed at halting exodus*", Albany Times Union, June 2, 2016).

The messages I left for Bureau Chief Galarneau inquired as to the status of CJA's July 19, 2013 corruption complaint against New York's highest constitutional officers for "grand larceny of the public fisc and other corrupt acts" arising from the fraudulent, statutory-violative, and unconstitutional judicial salary increases recommended by the August 29, 2011 Report of the Commission on Judicial Compensation and the slush-fund legislative/judiciary budget bill in which the fiscal year 2013-2014 judicial salary increases were embedded. My messages also advised that I had a related further corruption complaint to file.

For your convenience, CJA's July 19, 2013 corruption complaint – about which I testified before you at the September 17, 2013 public hearing of the Commission to Investigate Public Corruption, of which you were a member, is posted on CJA's website, www.judgewatch.org, on a webpage I have created for this letter, containing all the substantiating proof referred to herein. As you are currently running unopposed for re-election as Albany County district attorney, the webpage is accessible from a link entitled: "Making the 2016 District Attorney Electoral Races Competitive". It can be reached from the prominent homepage link: "NO PAY RAISES FOR NEW YORK'S CORRUPT PUBLIC OFFICERS: The Money Belongs to their Victims!". Here it is directly: <http://www.judgewatch.org/web-pages/searching-nys/budget/budget-2016-17/2016-da-elections.htm>.

As of this date, nearly three years after I filed the July 19, 2013 corruption complaint with your Public Integrity Unit, I have received no notification as to its status. Nor have I received any notification of the status of CJA's January 7, 2014 supplement to the complaint pertaining to the slush-fund judiciary and legislative budgets for fiscal year 2014-2015 and the embedded judicial salary increases. Bureau Chief Galarneau never called me in for questioning, nor put me before a grand jury. Is this your normal and customary procedure for corruption complaints that establish, *prima facie* and conclusively, the complained-of public corruption – or only for complaints in which you have financial and other interests, where the threshold issue is your duty to refer them to impartial investigative and prosecutorial authorities?¹

The sole response I received was from the Commission to Investigate Public Corruption. Without identifying or addressing the conflict of interest issues I had raised as to it, including at the September 17, 2013 hearing with regard to its 10 district attorney members – all of whose salaries are statutorily-linked to judicial salaries – the Commission's February 7, 2014 letter purported:

“We have received your correspondence and consider all communications that are submitted to the Commission. Upon review of your complaint, we have found that your matter falls outside of our mandate.”²

In other words, the Commission's letter did not say that our July 19, 2013 corruption complaint and January 7, 2014 supplement fell outside of your mandate as Albany County district attorney.

As you know, your mandate as district attorney is to enforce the penal law. According to the New York Court of Appeals, enforcement of the penal law is a “state interest” entitling the Legislature to take away from the counties their right to set the salaries of their own county district attorneys – and, by Judiciary Law §183-a, to statutorily link them to judicial salaries (*Kelly v. McGee*, 57 N.Y.2d 522, 540 (1982)).

Among the penal laws relevant to CJA's July 19, 2013 corruption complaint and January 7, 2014 supplement:

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”;

¹ Your willful and deliberate nonfeasance with respect to the July 19, 2013 corruption complaint and January 7, 2014 supplement, born of your conflicts of interest, is particularized by CJA's April 23, 2014 proposed verified complaint to intervene in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption (*Senate v. Rice*, New York County #160941-2013) – which annexes the July 19, 2013 corruption complaint and January 7, 2014 supplement as exhibits (Exhibits B-1 and T-1). Links on CJA's webpage for this letter.

² The Commission on Public Corruption's February 7, 2014 letter is Exhibit U-1 to CJA's April 23, 2014 proposed verified complaint, *supra*.

Penal Law §195.20: “defrauding the government”;
Penal Law §195: “official misconduct”;
Penal Law §105.15: “conspiracy in the second degree”;
Penal Law §20.00: “criminal liability for conduct of another”.

These same penal provisions apply to the instant corruption complaint I am now filing – one which is a second supplement to the July 19, 2013 corruption complaint, picking up where the January 7, 2014 supplement left off. It follows the larcenous judicial salary increases recommended by the August 29, 2011 Report of the Commission on Judicial Compensation into the slush-fund legislative and judiciary budgets and budget bills for fiscal years 2014-2015, 2015-2016, and 2016-2017 – with the budget for current fiscal year 2016-2017 embedding the larcenous judicial salary increases recommended by the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation.

The factual particulars of this second supplemental corruption complaint are set forth by the citizen taxpayer action, *CJA v. Cuomo, et al.* – commenced on March 28, 2014 in Supreme Court/Albany County (#1788-2014) against Governor Cuomo, then Temporary Senate President Skelos, then Assembly Speaker Silver, the Senate, the Assembly, Attorney General Schneiderman, and Comptroller DiNapoli. Most important are our three verified pleadings therein:

- CJA’s March 28, 2014 verified complaint – pertaining to fiscal year 2014-2015;
- CJA’s March 31, 2015 verified supplemental complaint – pertaining to fiscal year 2015-2016; and
- CJA’s March 23, 2016 verified second supplemental complaint – pertaining to fiscal year 2016-2017.

Hard copies will be furnished upon your advising as to the status of CJA’s July 19, 2013 corruption complaint – and confirming that you have retained in your possession the *prima facie* and conclusive proof on which it rested – and on which our second supplemental corruption complaint rests – first and foremost:

- CJA’s October 27, 2011 Opposition Report to the Commission on Judicial Compensation’s August 29, 2011 Report; and
- CJA’s March 30, 2012 verified complaint in the declaratory judgment action *CJA v. Cuomo, et al.* based on CJA’s October 27, 2011 Opposition Report (Supreme Court/Bronx County #302951-2012, transferred to New York County).³

³ Full copies of CJA’s October 27, 2011 Opposition Report and March 30, 2012 verified complaint in the *CJA v. Cuomo, et al.* declaratory judgment action were hand-delivered to your office on August 21, 2013 –

Until then, the three verified pleadings in the citizen-taxpayer action and its record are easily accessed from CJA's webpage for this letter. From these you can verify that the defendants, represented by defendant Attorney General Schneiderman, have corrupted the judicial process because they have no legitimate defense, that they have been aided and abetted by Albany Supreme Court, and that the posture of the case, since its inception on March 28, 2014, is one of summary judgment for plaintiffs. Indeed, the record establishes that ALL the high-level, systemic, institutional corruption that CJA's July 19, 2013 corruption complaint and January 7, 2014 supplement brought to your attention – and that of the Commission to Investigate Public Corruption – for investigation and prosecution has continued, unabated, to the present, with new players taking the place of the old players:

- Assembly Speaker Sheldon Silver is gone, but his pivotal corrupting role has been taken over by his successor, Assembly Speaker Carl Heastie;
- Temporary Senate President Dean Skelos is gone, but his pivotal corrupting role has been taken over by his successor, Temporary Senate President John Flanagan;
- Chief Judge Jonathan Lippman is gone, but his pivotal corrupting role has been taken over by his successor, Chief Judge Janet DiFiore;
- The Commission on Judicial Compensation is gone, but its pivotal corrupting role has been taken over by its successor, the Commission on Legislative, Judicial and Executive Compensation.

Our second supplemental corruption complaint is against them all, against the Senators and Assembly members filling leadership positions, the complicit and conspiring rank and file legislators, their counsels, and other staffers – and it seeks enforcement of a further penal provision, Penal Law §496, “corrupting the government”.⁴

and a photograph of the box containing the delivery, at your receiving window, was sent to you, to Bureau Chief Galarneau, and to the Commission to Investigate Public Corruption by CJA's September 18, 2013 e-mail (Exhibit H-2 to April 23, 2014 proposed verified complaint, *supra*).

⁴ Pertinent provisions of Penal Law §496 include:

§496.05 Corrupting the government in the first degree.

“A person is guilty of corrupting the government in the first degree when, being a public servant, or acting in concert with a public servant, he or she engages in a scheme constituting a systematic ongoing course of conduct with intent to defraud the state or one or more political subdivisions of the state or one or more governmental instrumentalities within the state to obtain property, actual services or other resources, or to obtain property, actual services or other resources from the

As you know, Penal Law §496 is one of the tools that district attorneys claimed they needed to prosecute public corruption. It was part of Governor Cuomo's "Public Trust Act", which he announced on April 9, 2013, flanked by five district attorneys – including the then President of the District Attorneys Association of the State of New York – and thereafter embodied it in his Program Bill #3, which all the state's 62 district attorneys endorsed, with 16 appearing with the Governor at a June 11, 2013 press conference. The Legislature's so-called "failure" to pass this "Public Trust Act", which, in fact had never been introduced, was the Governor's pretext for establishing the Commission to Investigate Public Corruption on July 2, 2013. Nine months later, it was the Legislature's passage of the "Public Trust Act" as part of a behind-closed-doors, three-men-in-a-room budget deal between Governor Cuomo, then Assembly Speaker Silver, and then Temporary Senate President Skelos that was his pretext for shutting the Commission down.

Needless to say, our second supplemental complaint, involving the larcenous judicial salary increases and the district attorney salary increases keyed to them, presents ALL the financial and other conflicts of interests that I raised three years ago as impinging on your handling of the July 19, 2013 corruption complaint. Indeed, these conflicts are compounded. You cannot make findings of fact and conclusions of law with respect to the ongoing continuum of high-level lawlessness and larceny of taxpayer monies, chronicled by CJA's three verified pleadings in the citizen-taxpayer action, without exposing that you could have halted it all, three years ago, had you done your duty with respect to the July 19, 2013 corruption complaint – and had the Commission to Investigate Public Corruption done its duty. Then, as now, the threshold conflict is your direct and substantial pecuniary interest in judicial salary increases – and in making NO findings of fact and conclusions of law with respect to CJA's October 27, 2011 Opposition Report, laying out the open-and-shut, *prima facie* proof of statutory violations, fraud, and unconstitutionality of the judicial salary increases recommended by the Commission on Judicial Compensation's August 29, 2011 Report – and now by

state, or any political subdivision or governmental instrumentality of the state by false or fraudulent pretenses, representations or promises, and thereby wrongfully obtains such property, actual services or other resources with a value in excess of one hundred thousand dollars.

Corrupting the government in the first degree is a class B felony.”

§496.06 Public corruption.

“1. A person commits the crime of public corruption when: (a) (i) being a public servant he or she commits a specified offense through the use of his or her public office, or (ii) being a person acting in concert with such public servant he or she commits a specified offense, and (b) the state or any political subdivision thereof or any governmental instrumentality within the state is the owner of the property.

2. A 'specified offense' is an offense defined by any of the following provisions of this chapter: section 155.25 (petit larceny); section 155.30 (grand larceny in the fourth degree); section 155.35 (grand larceny in the third degree); section 155.40 (grand larceny in the second degree); section 155.42 (grand larceny in the first degree); section 190.60 (scheme to defraud in the second degree); or section 190.65 (scheme to defraud in the first degree).”

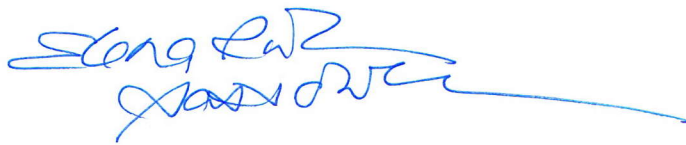
the December 24, 2015 Report of the Commission on Legislative, Judicial and Executive Compensation.

What steps will you take to secure an independent prosecutor to enforce the state's interest in the penal law provisions whose violations are established, *prima facie* and conclusively, by CJA's October 27, 2011 Opposition Report – and by the massive other evidence furnished by our July 19, 2013 corruption complaint, January 7, 2014 supplement, and this instant second supplemental complaint?

Finally, just as CJA's July 19, 2013 corruption complaint requested your intervention in the *CJA v. Cuomo, et al.* declaratory judgment action so as to secure for the People of the State of New York a declaration voiding the statutorily-violative, fraudulent, and unconstitutional judicial salary increases, so this second supplemental corruption complaint requests your intervention in the *CJA v. Cuomo, et al.* citizen-taxpayer action to similarly protect New York's taxpayers and the interests of good government. This, too must be referred to the independent prosecutor, including for purposes of securing a "claw-back" of the hundreds of millions of dollars in judicial salary increases and non-salary compensation paid out since 2012 – and of the district attorney increases based thereon.

Elections are a time of accountability. With this year's elections less than 4-1/2 months away, please advise by Friday, June 24, 2016 how you will be proceeding with respect to CJA's corruption complaints – and the precise dollar amounts and percentage increases that you have received each year in district attorney salary raises, beginning in 2012. Alternatively, please furnish your findings of fact and conclusions of law with respect to CJA's October 27, 2011 Opposition Report.

Thank you.



cc: Public Integrity Bureau Chief Eric Galarneau