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TO: New York State Commission on Prosecutorial Conduct

FROM: Elena Ruth Sassower, Director
Center for Judicial Accountability, Inc. (CJA)

RE: Complaint against New York State's 62 District Attorneys for public corruption, born of conflicts of interest pertaining to their D.A. salaries & their relationships with state executive, legislative, and judicial officers within their geographic jurisdictions, whose flagrant violations of penal laws the D.A.s are NOT investigating and prosecuting by reason thereof

Pursuant to [Judiciary Law Article 15-A](#) and, specifically, its [§499-f\(1\)](#), CJA files this facially-meritorious, fully-documented, signed, and attested-to-be-true complaint against New York's 62 district attorneys for willfully violating the duties of their office to enrich themselves by D.A. salary increases they know to be the product of "false instrument" commission reports – and, in furtherance thereof, for "protecting" from investigation and grand jury indictment the high-ranking public officers within their geographic jurisdictions who are beneficiaries of the same or comparable "false instrument" commission/committee reports and/or complicit therein, in flagrant violation of penal laws including:

[Penal Law §175.35](#): "Offering a false instrument for filing in the first degree";

[Penal Law §195.20](#): "Defrauding the government";

[Penal Law §190.65](#): "Scheme to defraud in the first degree";

[Penal Law §496.05 \("Public Trust Act"\)](#): "Corrupting the government in the first degree";

[Penal Law §496.06 \("Public Trust Act"\)](#): "Public corruption";

[Penal Law §155.42](#): "Grand larceny in the first degree";

[Penal Law §460.20](#): "Enterprise corruption";

[Penal Law §195](#): "Official misconduct";

[Penal Law §105.15](#): "Conspiracy in the second degree";

[Penal Law §20.00](#): "Criminal liability for conduct of another".

This warrants the governor removing the D.A.s from office, pursuant to [Article XIII, §13\(b\) of the New York State Constitution](#), which this Commission is empowered to effectuate – and their disbarment as attorneys by New York's Attorney Grievance Committees, to which this Commission is empowered to make referral with respect to their violations of [New York's Code of Professional Conduct](#), proscribing, *inter alia*, conflicts of interest, such as embodied in the [National Prosecution Standards of the National District Attorneys Association](#) (§1-3.3(d) "Specific Conflicts", §1-3.4 "Special Prosecutors", §1-3.5 "Handling Conflicts"), and requiring reporting of attorney misconduct "to a tribunal or other authority empowered to investigate or act upon such violation" (NY Code of Professional Conduct, §8.3).

The facts and evidence substantiating this complaint are furnished by [CJA's July 18, 2024 NOTICE & grand jury/public corruption complaint](#) to all 62 D.A.s and to their organizational entity, the District Attorneys Association of the State of New York (DAASNY), entitled:

“Your D.A. salary increases, the judicial salary increases on which they are based, and the violations of New York’s penal laws by state legislators and others within your geographic jurisdictions, established by CJA’s February 23, 2024 grand jury/public corruption complaint to Albany County D.A. Soares that he has been ‘sitting on’”.

It began, as follows:

“This is to give you NOTICE that the district attorney salary increases that took effect on April 1, 2024 as a result of the statutory link between D.A. salaries and judicial salaries did so because of Albany County D.A. Soares’ willful nonfeasance with respect to [CJA’s February 23, 2024 grand jury/public corruption complaint](#) to him, proving, by an enclosed [January 18, 2024 Opposition Report](#), that the December 4, 2023 Report of the (3rd) Commission on Legislative, Judicial and Executive Compensation, raising judicial salaries, is a ‘false instrument’, violative of penal laws...

The facts pertaining to D.A. Soares’ nonfeasance, born of financial interests expressly proscribed by the Albany County Code of Ethics, are set forth by [CJA’s July 17, 2024 complaint against him to the Albany County Ethics Commission](#), sent to him with an [accompanying letter](#).”

Seven single-spaced pages later, it concluded, stating:

“...please confirm that by reason of your financial and other conflicts of interests pertaining to this July 18, 2024 grand jury/public corruption complaint, involving your D.A. salaries and state legislators and others with whom you have relationships, you will be recusing yourselves – and advise as to the protocol you will be employing for securing a ‘special prosecutor’ or whether you will be referring the matter to an ‘appropriate governmental authority’, as indicated by Section 1-3.5 of the National Prosecution Standards of the National District Attorneys Association,^{fn3} hereinabove quoted from CJA’s June 29, 2020 grand jury/public corruption complaint to D.A. Fitzpatrick, replicated in all the 61 other 2020 grand jury/public complaints to you and your predecessors – and quoted, as well, at page six of CJA’s February 23, 2024 grand jury/public corruption complaint to D.A. Soares, quoting from [CJA’s June 4, 2020 grand jury/public corruption complaint](#) to him.

So that I may be guided accordingly, please let me hear from each of you by no later than two weeks from today, August 1, 2024, with respect to both the NOTICE and July 18, 2024 grand jury/public corruption complaint, herewith filed with you.”

^{fn3} This is now Section 1-3.6 of the [2023 National Prosecution Standards \(4th edition\)](#).”

It was e-mailed to the D.A.s [on July 18, 2024](#) and thereafter – and there was no response from a single one. This includes DAASNY President/Richmond County D.A. Michael McMahon, who submitted [June 11, 2024 comment](#) to your proposed rules, and Nassau County D.A. Anne Donnelly, who also submitted [June 11, 2024 comment](#).

For your convenience, here is [CJA's webpage for the July 18, 2024 NOTICE & grand jury/public corruption complaint](#), on which the transmitting e-mails are posted, including the many successive e-mails to the D.A.s and Acting D.A.s on 2024 election ballots.

The complaint form posted on the Commission's website asks whether the complained-of misconduct was reported "to an Attorney Grievance Committee". The answer to that question, with respect to the July 18, 2024 NOTICE & grand jury/public corruption complaint, is no. However, as reflected therein (at pp. 5-6), I did file an [October 14, 2016 complaint against the 62 then D.A.s and against former D.A.s. who had been members of the Commission to Investigate Public Corruption](#) for their conflict-of-interest-driven corruption involving their D.A. salaries and relationships. CJA's webpage on which the October 14, 2016 complaint is posted – and the responses of the Attorney Grievance Committees of all four judicial departments dumping it – is [here](#).

Similarly with regard to the further question on the form as to whether the complained-of misconduct was reported "to any other State agency", the answer with respect to the July 18, 2024 NOTICE & grand jury/public corruption complaint is no. However, as also reflected therein (at pp. 4-5), in 2013-14, during the life span of the D.A.-stacked Commission to Investigate Public Corruption, I reported to it what was going on, simultaneously complaining about its conflicts of interest. It never addressed its conflicts of interest and dumped the [July 19, 2013 complaint](#) and [January 7, 2014 supplement](#) I had filed with it by a [February 7, 2014 letter](#) falsely purporting that they were "outside our mandate". This is particularized by my [April 23, 2014 verified complaint](#) in support of an order to show cause to intervene in the Legislature's declaratory judgment action against the Commission to Investigate Public Corruption. CJA's evidentiary webpage for it is [here](#).

The names of the here complained-against 62 D.A.s are, as follows:

Albany County D.A. P. David Soares
Allegany County D.A. Ian M. Jones
Bronx County D.A. Darcel D. Clark
Broome County D.A. F. Paul Battisti
Cattaraugus County D.A. Lori Rieman
Cayuga County D.A. Brittany Antonacci
Chautauqua County D.A. Jason L. Schmidt
Chemung County D.A. Weeden A. Wetmore
Chenango County D.A. Michael D. Ferrarese
Clinton County D.A. Andrew J. Wylie
Columbia County D.A. Christopher A. Liberati-Conant
Cortland County D.A. Patrick A. Perfetti
Delaware County D.A. Shawn Smith
Dutchess County D.A. Anthony P. Parisi
Acting Erie County D.A. Michael Keane

Essex County D.A. Kristy Sprague
Franklin County D.A. Elizabeth M. Crawford
Fulton County D.A. Michael J. Poulin
Genessee County D.A. Kevin Finnell
Greene County D.A. Joseph Stanzione
Hamilton County D.A. Marsha King Purdue
Herkimer County D.A. Jeffrey Carpenter
Jefferson County D.A. Kristyna S. Mills
Kings County D.A. Eric Gonzalez
Lewis County D.A. Jeffrey G. Tompkins
Livingston County D.A. Gregory J. McCaffrey
Madison County D.A. William Gabor
Monroe County D.A. Sandra Doorley
Montgomery County D.A. Lorraine C. Diamond
Nassau County D.A. Anne T. Donnelly
New York County D.A. Alvin Bragg
Niagara County D.A. Brian D. Seaman
Oneida County D.A. Todd C. Carville
Onondaga County D.A. William J. Fitzpatrick
Ontario County D.A. James B. Ritts
Orange County D.A. David Hoovler
Orleans County D.A. Joseph V. Cardone
Oswego County D.A. Anthony J. DiMartino, Jr.
Otsego County D.A. John M. Muehl
Putnam County D.A. Robert V. Tendy
Queens County D.A. Melinda Katz
Rensselaer County D.A. Mary Pat Donnelly
Richmond County D.A. Michael E. McMahon
Rockland County D.A. Thomas E. Walsh
Saint Lawrence County D.A. Gary M. Pasqua
Saratoga County D.A. Karen A. Heggen
Schenectady County D.A. Robert M. Carney
Schoharie County D.A. Susan Mallery
Schuyler County D.A. Joseph G. Fazzary
Seneca County D.A. John J. Nabinger
Steuben County D.A. Brooks Baker
Suffolk County D.A. Raymond A. Tierney
Sullivan County D.A. Brian Conaty
Tioga County D.A. Kirk Martin
Tompkins County D.A. Matthew Van Houten
Ulster County D.A. Emmanuel Nneji
Warren County D.A. Jason Carusone
Washington County D.A. J. Anthony Jordan
Acting Wayne County D.A. Christin Callanan
Westchester County D.A. Miriam E. Rocah

Acting Wyoming County D.A. Vincent A. Hemming
Yates County D.A. Todd J. Casella

In further compliance with the Commission's complaint form stating "Judiciary Law 499-f requires that complaints be signed and in writing", the form, attaching this complaint, is – and I here additionally attest that the complaint is true, under penalties of perjury, pursuant to CPLR §2106.

Thank you.


