

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Friday, December 27, 2024 9:39 AM
To: 'Friedman, Susan (CPC)'
Cc: 'Simons, Michael (CPC)'

Subject: **Thank you & Correcting Obvious Errors -- Complaints ##34-95: CJA's Nov 18, 2024 complaint vs NY's 62 D.A.s for public corruption, born of conflicts of interest pertaining to their D.A. salaries & relationships**

Attachments: [11-18-24-complaint-with-form.pdf](#)

Dear Administrator Friedman,

Thank you for your prompt response to my below e-mail with respect to your acknowledgment of the November 18, 2024 complaint and assignment of 62 complaint numbers.

In reading over my e-mail to you, I note that my last sentence inadvertently omitted two of the identified five D.A.s who will be former D.A.s, come January 1, 2025. The sentence should have read:

“Therefore, please also confirm that CJA’s November 18, 2024 complaint against D.A.s Soares, McCaffrey, Rocah, **Cardone, and Diamond** will not be dismissed based on their forthcoming status as former D.A.s, consistent with the arguments made on the issue by the above commentors.” (underlining in the original, bold added to reflect the inadvertently omitted names).

Also, I take this opportunity to attach a superseding November 18, 2024 complaint, solely adding the two letters, “ed”, that were inadvertently dropped from the first sentence, identifying the complaint as “attesteded-to-be-true”.

I will be in touch, again, on January 1, 2025, when I know the situation with respect to the five new incoming D.A.s, replacing Soares, McCaffrey, Rocah, Cardone, and Diamond. These are, respectively, Kindlon, Williams, Cacace, Howard, and Pearson, to whom I sent a [letter](#) yesterday entitled:

“Before You Take Your Oaths of Office – What Salaries were You Expecting to Be Paid & Will You Be Recusing Yourself from CJA’s July 18, 2024 Grand Jury/Public Corruption Complaint, Pending in Your Offices, and Securing an Independent Prosecutor?”

Thank you.

Elena Sassower

From: Friedman, Susan (CPC) <Susan.Friedman@cpc.ny.gov>
Sent: Thursday, December 26, 2024 8:01 PM
To: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Cc: Simons, Michael (CPC) <Michael.Simons@cpc.ny.gov>

Subject: Re: STATUS? CJA's Nov 18, 2024 complaint vs NY's 62 D.A.s for public corruption, born of conflicts of interest pertaining to their D.A. salaries & relationships

Ms. Sassower,

The Commission on Prosecutorial Conduct received your complaints and they were assigned complaint numbers 34-95. The Commission will be in touch when there is an update.

Sincerely,

Susan Friedman

Administrator
Commission on Prosecutorial Conduct
susan.friedman@cpc.ny.gov

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Thursday, December 26, 2024 8:18 AM
To: Simons, Michael (CPC) <Michael.Simons@cpc.ny.gov>; Friedman, Susan (CPC) <Susan.Friedman@cpc.ny.gov>; cpc.sm.info <info@cpc.ny.gov>
Cc: 'Bill Bastuk' <itcouldhappen@rochester.rr.com>; j.deskovic@hotmail.com <j.deskovic@hotmail.com>; intake@nyslegal.com <intake@nyslegal.com>; SBryant@nysda.org <sbryant@nysda.org>; Jlvanort@nysacdl.org <jlvanort@nysacdl.org>; gdlubow@gmail.com <gdlubow@gmail.com>; arody-wright@siena.edu <arody-wright@siena.edu>; thoff93452@aol.com <thoff93452@aol.com>; 'Peter Santina' <peter@civilrightscorps.org>; 'Russell Neufeld' <rneufeld@neufeldlawoffice.com>; 'Prof. Bennett Gershman' <bgershman@law.pace.edu>; 'Oscar Michelen' <OMichelen@cuomollc.com>; 'James S. Hinman' <jshatty@frontiernet.net>; 'Marvin Schechter' <marvin@schelaw.com>; 'swdowns68' <swdowns68@aol.com>; president@daasny.org <president@daasny.org>; morgan.bitton@daasny.org <morgan.bitton@daasny.org>; mcmahonda@rcda.nyc.gov <mcmahonda@rcda.nyc.gov>; Anne.donnely@nassaуда.org <Anne.donnely@nassaуда.org>

Subject: STATUS? CJA's Nov 18, 2024 complaint vs NY's 62 D.A.s for public corruption, born of conflicts of interest pertaining to their D.A. salaries & relationships

TO: [New York State Commission on Prosecutorial Conduct](#)

I have received no acknowledgment or response to [CJA's November 18, 2024 complaint against NYS' 62 current district attorneys and acting district attorneys](#), filed electronically at 7:14 am on November 19, 2024 – and so-reflected by my below e-mail of that date.

That was five weeks ago. Is this your normal and customary procedure not to promptly acknowledge receipt of complaints? – or is this only what you do when, as here, the complaint is against ALL the state's current D.A.s and acting D.A.s and, as to ALL of them, is open-and-shut, *prima facie*, of their willful and deliberate violation of conflict-of-interest rules to financially benefit themselves and “protect” from prosecution the penal law-violating, high-ranking public officers with whom they have relationships? Please advise and furnish the complaint numbers you have assigned to the complaint, presumably 62 – one for each of the 62 complained-against current D.A.s and acting D.A.s.

Of these 62, Albany County D.A. David Soares is the most important. On January 1st, he will be a former D.A., as he was not re-elected on November 5th. Livingston County D.A. Gregory McCaffrey was also not re-elected and will be a former D.A. Additionally, three current D.A.s did not run for re-election and will be former D.A.s on January 1st: Westchester County D.A. Mimi Rocah, Orleans County D.A. Joseph Cardone, and Montgomery County D.A. Lorraine Diamond.

As noted by commentors to the Commission's proposed rule defining a "prosecutor", [Judiciary Law Article 15-A](#) does NOT restrict the Commission's jurisdiction to current D.A.s – and any interpretation that it does would be contrary to its letter, purpose, and legislative history. The Commission's cover-up of ALL the facts, law, and argument for a clarifying definition, presented by those commentors, *to wit*, [It Could Happen to You](#), [the Deskovic Foundation](#), their [collective submission](#) that included the New York State Defenders Association, the [New York State Association of Criminal Defense Lawyers](#), and [Greg Lubow, Esq.](#), is reflected by the [October 2, 2024 State Register \(at p. 15\)](#), as follows:

"Comment 3: Several commentors requested that the definition of 'prosecutor' be amended to state that former prosecutors are included in the definition.
Response 3: The comment was reviewed by the commission and no amendment was determined to be necessary."

The Commission's comparable cover-up, in response to the second round of comment by [It Could Happen to You](#), the [New York State Association of Criminal Defense Lawyers](#), and [New York State Defenders Association](#), is reflected by the [December 18, 2024 State Register \(p. 15\)](#), as follows:

"Comment 22: Several commentors requested that the Commission define 'prosecutor' to include former prosecutors.
Response 22: The comment was reviewed by the commission and no amendment was determined to be necessary."

Therefore, please also confirm that CJA's November 18, 2024 complaint against D.A.s Soares, McCaffrey, and Rocah will not be dismissed based on their forthcoming status as former D.A.s, consistent with the arguments made on the issue by the above commentors.

Thank you.

Elena Sassower, Director
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elena@judgewatch.org

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Tuesday, November 19, 2024 7:41 AM
To: 'Regulations@cpc.ny.gov' <Regulations@cpc.ny.gov>; 'rulemaking@nysenate.gov' <rulemaking@nysenate.gov>; 'rulemaking@nyassembly.gov' <rulemaking@nyassembly.gov>; 'dos.dl.inetcounsel@dos.ny.gov' <dos.dl.inetcounsel@dos.ny.gov>

Cc: 'Simons, Michael (CPC)' <Michael.Simons@cpc.ny.gov>; 'Friedman, Susan (CPC)' <Susan.Friedman@cpc.ny.gov>; 'felder@nysenate.gov' <felder@nysenate.gov>; 'sterns@nyassembly.gov' <sterns@nyassembly.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'Jacob Ashby' <ashby@nysenate.gov>; 'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'littellj@nyassembly.gov' <littellj@nyassembly.gov>; 'coog@dos.ny.gov' <coog@dos.ny.gov>

Subject: CJA' Comment on the Proposed REVISED Operating Rules and Procedures of the Commission on Prosecutorial Conduct (Oct 2, 2024 State Register) -- & Request for Hearing

**TO: NYS Commission on Prosecutorial Conduct
Administrative Regulations Review Commission/NYS Legislature**

Attached is CJA's November 18, 2024 comment to the Commission on Prosecutorial Conduct's proposed revised rules, superseding what I sent yesterday at ten minutes before midnight, by the below e-mail. The only changes made are to Exhibit B: an Exhibit B header to the 1st page of the complaint form and the filling in of the names of the complained-against 62 D.A.s at pages 3 and 4 of the complaint.

At 7:14 am this morning, I electronically filed the November 18, 2024 complaint & its accompanying form with the Commission on Prosecutorial Conduct [via its webportal](#).

Please advise as to the scheduling of a hearing on the proposed revised rules. As indicated by the penultimate paragraph of the comment (at p. 5), I will furnish it to the 11 other commenters of the proposed original rules so that they can weigh in and join in calling for a hearing.

Thank you.

Elena Sassower, Director
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From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>
Sent: Monday, November 18, 2024 11:50 PM
To: 'Regulations@cpc.ny.gov' <Regulations@cpc.ny.gov>; 'rulemaking@nysenate.gov' <rulemaking@nysenate.gov>; 'rulemaking@nyassembly.gov' <rulemaking@nyassembly.gov>; 'dos.dl.inetcounsel@dos.ny.gov' <dos.dl.inetcounsel@dos.ny.gov>

Subject: CJA' Comment on the Proposed REVISED Operating Rules and Procedures of the Commission on Prosecutorial Conduct (Oct 2, 2024 State Register)

Attached is CJA's comment, with its 2 exhibits, to be resent tomorrow to all.

Thank you.

Elena Sassower

From: Center for Judicial Accountability, Inc. (CJA) <elena@judgewatch.org>

Sent: Monday, November 18, 2024 4:25 PM

To: 'dos.dl.inetcounsel@dos.ny.gov' <dos.dl.inetcounsel@dos.ny.gov>; 'shanice.helena@dos.ny.gov' <shanice.helena@dos.ny.gov>; 'rulemaking@nysenate.gov' <rulemaking@nysenate.gov>; 'rulemaking@nyassembly.gov' <rulemaking@nyassembly.gov>; 'felder@nysenate.gov' <felder@nysenate.gov>; 'sterns@nyassembly.gov' <sterns@nyassembly.gov>; 'skoufis@nysenate.gov' <skoufis@nysenate.gov>; 'Jacob Ashby' <ashby@nysenate.gov>; 'goodella@nyassembly.gov' <goodella@nyassembly.gov>; 'littellj@nyassembly.gov' <littellj@nyassembly.gov>; 'Regulations@cpc.ny.gov' <Regulations@cpc.ny.gov>; 'Michael.Simons@cpc.ny.gov' <Michael.Simons@cpc.ny.gov>; 'susan.friedman@cpc.ny.gov' <susan.friedman@cpc.ny.gov>

Subject: Today's Deadline for Public Comment on the proposed REVISED Operating Rules and Procedures of the Commission on Prosecutorial Conduct (Oct 2, 2024 State Register)

This follows my 15-minute phone conversation at about 12:45 pm today with Assistant Shanice Helena of the Department of State's Office of General Counsel (518-474-6740), in the absence of David Treacy, who she stated handles administrative rule-making and to whom she was going to immediately communicate my message, and, additionally, my voice message at 1:15 pm for the Administrative Regulations Review Commission at the phone number, 518-455-2731, appearing in the October 2, 2024 State Register.

Among my questions was whether today's deadline for electronic submission of public comment to the Commission on Prosecutorial Conduct's revised proposed operating rules and procedures means before midnight tonight, NOT 5pm. I have received no call back.

It is now almost 4:30 pm. Unless I receive a response from you to the contrary, I assume that my e-mailing of comment before midnight tonight will be timely. In any event, your e-mailed confirmation would be appreciated.

Thank you.

Elena Sassower, Director
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