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BY HAND

TO: NEW YORK STATE ATTORNEY GENERAL ELIOT SPITZER
ATT: David Nocenti, Counsel
Peter Pope, Chief, "Public Integrity Unit"
William Casey, Chief Investigator,
"Public Integrity Unit"
NEW YORK STATE COMMISSION ON JUDICIAL CONDUCT
ATT: Commissioners
Gerald Stern, Administrator & Counsel

FROM: ELENA RUTH SASSOWER, COORDINATOR

RE: *Michael Mantell v. New York State Commission on Judicial Conduct*
(NY Co. #99-108655)

DATE: December 1, 2000

*Received for
the Att'y Gen
12/1/00
Gary Smith
[Signature]*

This is to put you on notice of your on-going duty -- of which, by now, you should no longer need to be reminded -- to move to vacate for fraud the fraudulent judicial decisions of which you are the beneficiary. The latest of these fraudulent decisions is the Appellate Division, First Department's unsigned 5-sentence decision in *Michael Mantell v. New York State Commission on Judicial Conduct* (NY Co. #99-108655): (1) affirming Justice Lehner's September 30, 1999 decision; (2) further holding that "Petitioner lacks standing to assert that, under Judiciary Law §44(1), respondent is required to investigate all facially meritorious complaints of judicial misconduct"; and (3) denying my motion to intervene and for other relief.

Significantly, the Appellate Division gives no reasons for denying my motion. As you know, my motion exposes (at Exhibit "E") that Justice Lehner's decision is legally insupportable and further exposes (at pages 9-10, fn. 9; Exhibit "Z-3") the frivolousness of any objection based on lack of standing.

Tellingly, the Appellate Division not only provides NO law for its holding on lack of standing, but distorts the factual record to obscure that Mr. Mantell is seeking investigation of HIS facially-meritorious complaint pursuant to Judiciary Law §44.1.

Elena Ruth Sassower
[Signature]
ER