

Thursday – May 15, 2008
Citizens' Forum On Judicial Accountability

Statement of Betsy Combier

Our Constitutional rights include due process, equal protection under the law, and an expectation of impartiality in the judicial system. We have the right to ask Congress to remedy any violations of law that occurs. The time to make a request for accountability in the courts of America has arrived, and my story will show this.

As an advocate for judicial accountability, I believe that the best way to show the need for legislative reform in this area is to provide public exposure of judicial error or malfeasance. We can do this by focusing on the specific steps of procedural due process that are corrupted or missing, and make sure that no other circumstances are responsible for the end result. Starting in 2001 I studied the processes necessary to probate a will, file a motion, order to show cause, do depositions, etc. I became, in other words, a knowledgeable non-attorney that could speak intelligently about justice, procedure, facts and judicial intervention. Fortunately, I have been a reporter for more than 30 years. I am also member of the New York University Law Library, where I read case law and legal documents to support my documentation on the practices of Judges, attorneys, and court personnel. I have, in other words, done my due diligence as a person who wants to show how there may be a lack of judicial accountability, and where changes should be made.

On March 16, 1998, my mom died in her sleep. The next day I received a call from a man named Kenneth Wasserman, allegedly an Attorney representing my twin sister who, he told me, would be fighting me for the apartment that our mom left me in her Will dated November 1997. I found out several years later that Mr. Wasserman was originally paid to get whatever estate property or money he could get and his "employer" was Guide One Insurance Company, the insurer of my church, where my mom worked as a volunteer for more than 40 years. She and I both knew that the church pastor was involved with financial misappropriations and a corrupt construction company based in New Jersey. Mr. Wasserman entered my mother's apartment after promising me he would only look for items belonging to my sister, which I wanted her to have, and took out about \$1 million in property between April – June 1998. The Surrogate Court Judge Renee Roth arranged for him to store the property in upstate New York, and proceeded to prepare for her to obtain "legal" ownership.

I filed my mom's Nov. 1997 Will in the Surrogate Court on March 17, 1998, and filed a petition for probate soon thereafter. From 1998 to 2004 I paid attorneys approximately \$450,000 in legal fees to get my mom's Will probated, not realizing that the Judge made deals with my attorneys to prevent me from doing this. Mr. Wasserman and the law assistant to Judge Roth both called me from 2002-2006, and literally screamed at me that the court had decided I abused my mother and that I was going to lose my Probate Proceedings. They demanded that I give my sister \$350,000 for the apartment. I wouldn't fall for this, and taped them starting in 2004.

On July 22, 2006, Judge Roth wanted, it seems, to speed up my removal from potential ownership of any of my mom's estate, so she prepared an order for Public Administrator Ethel Griffin to take all my mother's property because, stated Roth, my mother died "intestate" or without a Will. I knew that this was not true, but nonetheless I ended up in the hospital that day with heart failure. In August, I filed a police complaint with the NYPD 19th Precinct against Mr. Wasserman. A police detective by the name of "Detective Ahearn" told me that he would investigate, and ask Mr. Wasserman not to call me anymore with threats and harassment techniques.

On July 25, 2006 Judge Roth ordered that there was a Will, and that it had been executed correctly. Judge Roth then got New York State Supreme Court Judge Karla Moskowitz to start a case against me that claimed I had stolen \$2 million from my grandfather's trust fund under which both Banker's Trust and my mother were Co-Trustees. I visited the court twice as a courtesy on September 13, 2006 and October 3, 2006 to tell Judge Moskowitz that she had no jurisdiction, the Trust fund had been closed in 1999, and there was no case. She – Judge Moskowitz – declared me in contempt of court for not showing up after that date.

On January 3, 2007 I called the 19th precinct to ask whether or not someone could help me stop Mr. Kenneth Wasserman from calling me up and threatening me and the answer, taped by me, was "sorry, we cannot help you because Mr. Wasserman is being paid by Judge Karla Moskowitz to harass you, therefore we – the NYPD – can not do anything to help you...I suggest that you go to the District Attorney's office". I was working at the time with a political media strategist who knew DA Robert Morgenthau, and I saw an opportunity to get my information personally to him. Coincidentally, my dad was Assistant Attorney General for the State of New York, and knew Bob Morgenthau. Mr. Morgenthau – on April 24, my boss and one of Bob's assistants, Eban Bronfman, had lunch with Mr. Morgenthau, and they gave him my package with the Ahearn tape in it. I also sent copies to Tom Werner, Administrator of the NY State Supreme Court personal; Ms. Jacqueline Silbermann, Chief Administrative Judge of the NY State Supreme Court, and every other administrator in the office of court administration and the Supreme Court. I also sent the tape and all supporting documentation to the Surrogate Court Judge, Judge Moskowitz, Mr. Wasserman, and Governor Eliot Spitzer. No one replied to me at all.

In July 2007 I wrote a Motion to Dismiss this case for lack of subject matter jurisdiction. On December 27, 2007 Judge Karla Moskowitz granted my Motion with prejudice. On January 3, 2008 former NYS Governor Eliot Spitzer appointed Judge Karla Moskowitz to the New York State Appellate Division, First Department with a glowing report of her integrity and honesty. On February 5, 2008 I gave the material I had on Eliot Spitzer and Judge Karla Moskowitz to two people who are working with Mr. Napoli, the NY State Comptroller. I gave them a copy of the tape of the 19th precinct wherein Detective Ahearn tells me that Judge Moskowitz is paying Mr. Wasserman to harass me, therefore they – the NYPD – cannot protect me.

On October 26 and November 5, 2007 Judge Roth ordered me to be deposed in her courtroom by Mr. Wasserman or my mother's Will would never be probated. I was locked in and my cell phone was confiscated.

On or about April 16, 2008, Mr. Wasserman filed an Appeal of Judge Moskowitz' order dismissing the non-existent Trust case with prejudice, and he filed it with the 1st Department Appellate Division where Judge Karla Moskowitz now sits. He filed his notice of appeal more than 3 months after Judge Moskowitz issued her order, and it was accepted by the 1st Department.

Betsy Combier

Relevant statutes:

ARTICLE III – JUDICIARY

SECTION 1. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in office.

SECTION 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority;--to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states;--between a state and citizens of another state;--between citizens of different states;--between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

OATH OF OFFICE AND COMPLIANCE WITH THE CONSTITUTION

ARTICLE VI – LEGAL STATUS OF THE CONSTITUTION

This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several

states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.