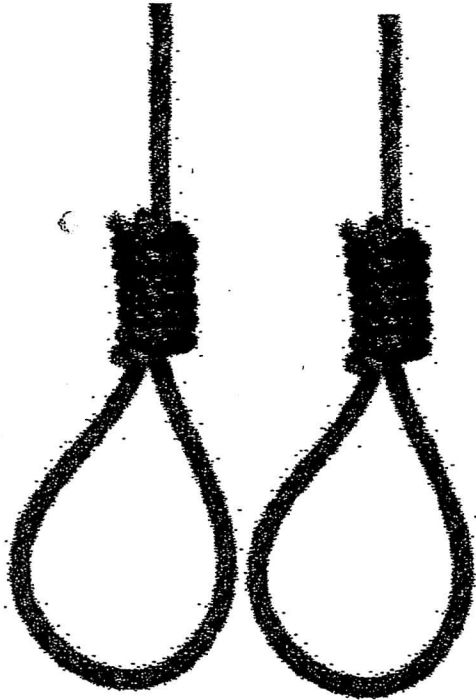


**ACCUSED AND “HANGED” BY TWO JUDGES OF THE NY
SUPREME COURT: A Judicial Lynching and Miscarriage of Justice**
by Professor Anthony Pappas, St. John’s University



**What do you do when two judges manufacture
facts and arguments to “hang” you?**

**Murder and kidnapping are Class A felonies punishable
by 25 years to life imprisonment. A Class B felony is punishable
by imprisonment up to 25 years. In my Nassau County divorce
trial Judge Stanley Gartenstein hallucinated a Class B felony against
me in a Decision and Order dated September 13, 2010.**

The charge was:

The husband punched the wife and fractured her face.

Gartenstein never heard or saw in testimony the words “punched”,
“fracture” or “fractured.” The whole thing was a hallucination.

What happens when an injured person goes to the emergency room of a hospital? I have a bullet
in my abdomen. Someone stabbed me. My husband punched me and fractured my face. Someone
chopped off my fingers. The emergency room is supposed to call the police to do an investigation.
An individual cannot go to a doctor’s office and say: “I got a bullet wound. Treat me and keep it quiet.”
The doctor must report the injury to the police.

The police department should then open up a file with a case number. The file should have the
details of the investigation and a conclusion. The perpetrator was arrested and brought to trial. Or, the

perpetrator fled and there is a warrant for his arrest. Or, the perpetrator is unknown and the investigation is continuing. There has to be a police report.

But Judge Stanley Gartenstein “knows” who did it and he is writing it down in a Supreme Court Decision. The husband did it. Anthony Pappas did it. **In the ultimate contradiction to Gartenstein’s hallucination, how is Anthony Pappas a fugitive from a felony charge and walking in and out of divorce court over a multi-year period?** When you are prejudiced and biased like Stanley Gartenstein was, your brain doesn’t function. You want to believe Anthony Pappas is guilty. Your mind is closed to the truth. In the twelve days between the last court appearances and the Sept. 13, 2010 Decision, it never dawned on Judge Stanley Gartenstein that, if Anthony Pappas had ever committed a Class B felony, he should have been arrested and imprisoned. Readers will conclude that Gartenstein lost his marbles and went bonkers.

What other contradictions appear when a judge is biased and determined to convict Anthony Pappas? When my wife started the divorce proceedings in December 2004, she did not state in her Complaint that she had suffered a fractured face which required reconstructive surgery. Ergo, the Class B felony must have taken place after the divorce proceedings started. Well, it happened. My wife had reconstructive surgery on the face; there is no police report; Anthony Pappas is a fugitive. Judge Gartenstein is hearing about the surgery for the first time around August 2010. Was someone keeping it a secret? But if you are biased and prejudiced, your brain cells don’t function and you are oblivious to logic.

Reconstructive surgery to the face is major surgery. Bones are rearranged. There may be skin grafts from other parts of the body. The surgeon is working on your face on your eyes, your nose, your mouth. You are “under” with anaesthesia for some period of time. You emerge with your face swathed in bandages and looking like a mummy. You return to the doctor’s office or hospital to have the bandages removed. The doctor checks for swelling or scarring. He checks the face for infection and the formation of pus. You go to the doctor several times for post-operative care. Gartenstein is writing the reconstructive surgery took place. No one knew about it during the divorce trial. My wife kept it a secret for several years during a divorce trial until August 2010. No one saw her in bandages or in a hospital. Apparently, her lawyer didn’t know about the surgery and never brought it up. Gartenstein says it happened. The police have not arrested Anthony Pappas and he is a fugitive. Yet he walks in and out of court. How idiotic does Stanley Gartenstein get to be as a judge in the NY Supreme Court? This is what happens when the judge is biased and prejudiced.

But there is more. Determined to disparage Anthony Pappas and show I am a monster, Gartenstein writes: “... Professor Pappas was apparently more interested in denying that he punched his wife than in responding to her need for surgery.” I did not call an ambulance to take her to the hospital. That is the truth. I would have testified to that and I would have denied that I punched my wife. But I never uttered a word about it. I was not given a chance to say anything about the imaginary punching and the imaginary incident. But Gartenstein is somehow writing in his Decision that I denied it when I didn’t say anything. It is easier to manufacture your own facts when you don’t have to bother listening to the other side or using your brains. My wife’s testimony came out of left field even for her own lawyer. It was definitely perjury under oath by a vengeful and emotionally disturbed person.

Gartenstein was on a roll. He was going to manufacture more facts and show that truth is stranger than fiction when dealing with a judge. In his Decision he wrote defendant Anthony Pappas communicated “thinly veiled threats in the idiom used by the perpetrator of the Fort Hood massacre.” Nidal Hasan is accused of 13 counts of premeditated murder and 32 counts of attempted murder at Fort Hood. Uh-oh! Anthony Pappas is walking around teaching his classes but he may be a potential terrorist. With great trepidation that if I showed the Decision to someone who might actually believe what a NY Supreme Court judge was writing, I pondered what to do. I promptly complained to Ms. Loretta Lynch, United States Attorney for the Eastern District of New York. In effect, I challenged Ms. Lynch to have the FBI and Homeland Security investigate the allegations of “thinly veiled threats” and to arrest me. I went to the Nassau County Office of the District Attorney and told them the same thing. No one found any terrorist threats or Class B felonies. No one has interrogated me about any “threats” or felonies. Alas! The U.S. Attorney does not have jurisdiction to deal with the threat to national sanity represented by a bonkers jurist.

Gartenstein obviously doesn't bother to read the news. When Sabrina Milo mouthed Columbine massacre at Fort Hamilton H.S., she was held in lieu of \$100,000 bail at her Brooklyn Criminal Court arraignment. When Vincent McCrudden threatened financial regulators in e-mails, he was arrested. When Nkrumah Tinsley of Occupy Wall Street ranted about throwing Molotov cocktails at Macy's, he was arrested. It is totally despicable and irresponsible for a jurist to utilize our nation's tragedy at Fort Hood to write propaganda against a litigant. The charge of terrorism may cause trouble for the litigant's employment, his family and friends, and his emotional well-being.

Jurist Reneging on Written Offer to Recuse Himself

On December 9, 2009 Judge Gartenstein sent out a letter using the letterhead of the New York Supreme Court. The letter stated:

Counselors:

In view of the record made on December 8th, each of you is advised that the undersigned will accept applications from either or both of you to declare a mistrial and return of this case for reassignment.

In the event you wish this trial to continue and the undersigned to preside, that fact must be set forth by each of you in writing with indication by your respective clients, individually, that they so request.

I will require a clear, unambiguous, unconditional statement from each side.

Judge Gartenstein stated in plain English that he needed the express consent of both parties before he would continue the trial. I responded that I did not consent to the Judge's continuation. Gartenstein attacked me immediately and harshly for the "wrong choice." You might as well be in Baghdad under Saddam Hussein or in Libya under Moammar Qaddafi. But you are not in a foreign country. You are in Nassau County which is east of New York City. But a judge can do whatever he wants and no one holds him accountable.

Gartenstein Fabricated Fake Alibis for my Wife

Concurrent with the divorce proceedings my wife was in a thermonuclear war with the NYC Dept. of Education where she worked as an elementary school Guidance Counselor. She filed about six Grievances against all three of the school principals (men and women) for whom she worked. She was in conflict with numerous people at the schools where she worked. This enormous battle with the Board of Education lasted many years and may have cost my wife over \$30,000 in legal fees. She spent about two years in the infamous "rubber room" doing nothing at

taxpayer's expense. She was fined about \$5,000 and ordered to pay about \$3,000 for anger-management classes,

Gartenstein proceeded to make up a fake alibi to explain the battle with the Board of Education and somehow hold me responsible. He attributed my wife's battle with the Board of Education to absences due to the trial. She may have missed about six school days over a two-year period because of the trial. What would any 8-year old advise? Mrs. Pappas, just get a note from my judge. Gartenstein had many cases where people had conflicts with their work obligations and knew he could give them a note or subpoena to show at work. My wife never asked for one. As I explained in my letters of complaint about Gartenstein, the NYC Dept. of Education is not as crazy as Gartenstein would like everyone to think. It does not engage in years of litigation, put an employee in the "rubber room" for two years, fine them \$5,000 and order them to take anger-management classes on account of a few absences which could easily have been excused by a note from the judge.

Why is Gartenstein making up a phony alibi? It's as if the police ask: "Where did the suspect go?" Gartenstein points them in the wrong direction. He tried to quash and suppress testimony about my wife's battle with the Board of Education. He heard the information about it. Then he makes up a phony alibi. Isn't a judge supposed to be fair and impartial and seek the truth? Why is he making up phony alibis?

In addition to the above, there was other misconduct, prejudice, bias and irrationality on the part of Judge Stanley Gartenstein. The reader should have a clear picture of how a judge can "hang" you if he wants. Gartenstein has not been held accountable and nothing has really been rectified. No one has admitted any mistakes or wrongdoing.

With this extreme hostility and bias on the part of the bully Gartenstein, opposing counsel had a field day. Opposing counsel makes a motion to “crucify” Anthony Pappas; Judge Gartenstein will approve it. Opposing counsel makes a motion to put Anthony Pappas in jail; Judge Gartenstein will consider it. Your income and your property are confiscated. You are turned into a slave. You become depressed and suffer. You are at the mercy of a capricious bully who can destroy your life, your property, and your career. He can affect your relations with your family and friends who may side with the judge’s “finding you guilty all the time”. You do not understand why you encounter injustice and persecution by the Court. You will definitely think about committing suicide.

After complaining about Gartenstein to various individuals, Judge Robert Ross convened a hearing on Friday afternoon, October 15, 2010. As a humane and compassionate individual who changed his mind when the facts warranted, Judge Ross comprehended what I was going through. But although sympathetic, Judge Ross was stymied. As a co-equal judge, he could not remove Gartenstein from the case. As will be discussed later, there is practically no effective recourse. I was concerned about the next court date with the bully Gartenstein where he was scheduled to consider additional sanctions(including jail) and punishments against me as requested by opposing counsel in numerous motions. I was very worried when I next appeared before Gartenstein on October 26, 2010. After some courthouse maneuvering and drama with Judge Ross, a miracle happened. The bully Gartenstein recused himself. The Hon. Robert J. Ross had saved my life. For the Hon. Robert J. Ross and with tears in my eyes, may he rest in peace and may his memory be eternal for it will always be eternal with me.

After breathing a sigh of relief, I looked forward to justice and fairness when the divorce case was turned over to Judge Falanga. To my dismay and distress, Judge Falanga also turned out to be a bully. Without bothering to understand anything, he accused me of playing a “game” that brought about Gartenstein’s recusal. He warned me against trying the same “game” with him. He told me to shut up.

THE COURT: Because I am admonishing you right now, you are not to communicate with anybody inside the court system, outside the court system, about how you feel you were being treated or anything like that.

If you feel I am violating your right to free speech, you have the absolute right to feel that way and do whatever you feel is appropriate. If I decide to hold you in contempt, we’ll cross that bridge when we come to it. Do you understand?

MR. PAPPAS: Your Honor, I was not playing a game. I was only seeking justice and fairness.

From Court transcript: January 19, 2011; page 29.

Judge Falanga endorsed and extended all the punishments and sanctions established by Gartenstein and imposed new ones. He continued to enslave me.

He enunciated in a written Decision the Falanga Doctrine. “. . . defendant Anthony Pappas is alleged to have committed certain aberrant acts which led to the recusal of J.H.O Gartenstein.”

What does the Falanga Doctrine mean? You go to court, take off your shoes, and twiddle your toes in the judge’s face. You do somersaults while providing testimony. You whistle at the judge. What does the judge do after you commit these and other aberrant acts? According to the Falanga Doctrine, the judge accommodates you and removes himself from your case. Ergo, common sense is not a requirement for NY judges. They can write utter nonsense in their Decisions and there is no recourse. And the Gang of Four Morons at the Appellate Division doesn’t do anything and doesn’t understand persecution.

Mistakes of the Legal System

Even when the evidentiary standard is the highest possible, beyond a reasonable doubt, innocent people are convicted and sent to prison. James Bain was accused of raping a young boy in Florida. He requested DNA testing from the state for years. Why did he need five appeals to get the DNA test? Maybe Florida appeal judges sit in the sun too long and they find a motion for a DNA test too complicated to grant quickly. After 35 years in prison, James Bain was finally proven innocent through DNA testing with the help of the Innocence Project of Florida. 35 years! 35 years in prison for an innocent man!

In Peekskill, NY Jeffrey Deskovic was convicted of the rape and murder of his 15-year-old classmate – even though DNA testing excluded him. He was convicted based on a false confession coerced from him at the age of 16. He was released after 15.5 years when more sophisticated DNA testing provided a match to a convicted felon.

In Brooklyn prosecutorial misconduct led to the conviction for murder of Jabbar Collins. After 15 years in prison, his murder conviction was vacated and he was set free in 2010.

Capriciousness and Persecution

When facing a bullying judge, one doesn't know what will happen. One day during the trial there were two armed court officers for the first time in the small hearing room about a quarter the size of a typical classroom. Everyone who goes into the court passes through metal detectors and pocketbooks and briefcases are screened. I am seated with my attorney at a table with two court officers stationed near me.

Gartenstein: Keep your hands on the table where I can see them.

Attorney: Your Honor, Mr. Pappas wants to take his eyeglasses out from the inside pocket of his sports jacket.

Gartenstein: Keep your hands on the table where I can see them.

Gartenstein did not let me reach into my sports jacket for my eyeglasses. Go figure.

Gartenstein also reported my “thinly veiled threats in the idiom used by the perpetrator of the Fort Hood massacre” to the Judicial Threat Unit. A zealous, misguided individual there might conclude you are actually threatening the judge. That is a criminal offense and you might be arrested. At your arraignment, a judge might conclude you are a potential threat to judges and not grant you bail. While awaiting trial, you might be raped and brutalized in jail. Meanwhile, a headline appears: St. John’s Professor Arrested for Threats to Judge. For someone being persecuted by the system, these and other eventualities go through one’s mind.

Lack of Effective Recourse Is Systemic Defect

There is a mythology about judges. People tend to regard them as automatically fair and wise. But with experience, that does not turn out to be the case. There are good priests and bad priests. There are good professors and bad professors. There are good judges and bad judges. Attorneys, prosecutors, detectives, court personnel and others who have ongoing exposure to the court system know who they are.

Among themselves, attorneys will relate “horror stories” about judges. They will relate that some judges hold grudges. Judges can sanction attorneys. An attorney may be jeopardizing his career and livelihood by vehemently criticizing judges. A judge may retaliate down the road against an attorney or his clients. Why risk a judge’s resentment if there is no

effective recourse? Look at me. Everything and more that I have related can be established with documents. Nothing happens. You go to Judge Falanga and he automatically blames Anthony Pappas rather than considering that Gartenstein might be at fault.

There may be commissions, appeal courts, and other bodies with pro forma authority. You frequently are talking to the void. Appeal courts generally rubberstamp what the lower courts do. Commissions acknowledge receipt of your letter and proceed to do nothing. In theory, a judge could be impeached by the state legislature in Albany. But the state legislature cannot even pass the state budget on time. So, maybe five years after someone commits suicide and is no longer around, the state legislature might investigate and do something.

More than 300 Americans per month are estimated to commit suicide due to divorce, Family Court proceedings, and extreme and unfair decisions by Child Protective Services. A parent may be barred from going to a daughter's sixth-grade graduation. A father might be arrested for going to his son's Little League game. By the time anything is appealed and corrected, it can become moot because the person has despaired and is dead. With 300 suicides per month or more, attorneys, judges, and the "system" watch people die before their very eyes and do nothing.

Historical Persecution

African-Americans understood persecution when they went through the Door of No Return. More than 2 million African deaths are attributed to the horrors of the Middle Passage voyage. In the ante-bellum South a mother might return from the cotton fields to find that her children were sold as chattel property and she would never see them again or know what happened to them. The struggle continued with Rosa Parks, the march from Selma to Montgomery, and the Freedom Riders. The struggle for justice and equality continues today.

Under the Ottoman Empire the henchmen of the Sultan would sweep through the villages of Greece to take one-fifth of the young male children. These “tribute children” were sold as slaves; some were castrated to serve as eunuchs for the royal harems; others were indoctrinated into the Sultan’s elite Janissary corps, returning to the provinces to slaughter their own countrymen. It was not uncommon for parents to mutilate their own children – cutting off a limb or gouging out an eye – hoping that by maiming their own child, they would prevent his being torn from the bosom of his family. Revolting against their oppressors, at the gorge of Zalongo the women of Souli leaped to their death and chose death over slavery and dishonor.

As a teenager Anatoly Kuznetsov witnessed the horrors of the Holocaust in Kiev and the “sardine-packing” of victims to save space. He wrote: Babi Yar: A Document in the Form of a Novel. After relating the horrible events that he witnessed, the novel concludes with a warning:

“ Let me emphasize again that I have not told about anything exceptional, but only about ordinary things that were part of a system; things that happened just yesterday, historically speaking, when people were exactly as they are today.”

In my case, there is a total collapse of rationality and accountability in the NY courts. An erratic, bizarre, and disturbed JetBlue pilot can be locked out of the cockpit and the passengers can put him in a chokehold. What is your recourse against erratic, irrational, and arbitrary judges?

Let me emphasize again that I have not told about anything exceptional, but only about ordinary things that are part of the legal system, things that happened in the early part of the 21st century, when the United States professed to have a legal system that tried to provide justice and fairness.

Today we do not live in the antebellum South before the Civil War. We do not live in the Ottoman Empire. We do not live in Nazi Germany. We are supposed to live in the United States of America.

With some exaggeration, Judge Stanley Gartenstein might as well have been writing the following: During the divorce, Anthony Pappas kidnapped his wife, beat her up, punched her and fractured her face. The wife escaped and had reconstructive surgery with anaesthesia someplace. Nobody knew about this. The husband is a fugitive from a felony; but he is walking around freely and showing up in my divorce court. When you point this out to the next judge, Falanga blames Anthony Pappas. In the meantime, you are turned into a slave. Your income and property are confiscated. Gartenstein and Falanga represent a threat to national sanity.

As Americans, we should not allow our courtrooms to be turned into feudal fiefdoms. We will not respect judicial decisions that contain nonsense and we will not respect higher courts that do not correct nonsense and mistakes. Judge Robert Ross (may he rest in peace and may his memory be eternal) understood this as a sane and compassionate judge, but he unfortunately passed away. And the legal system gave Judge Ross limited leeway to correct the nonsense and mistakes of other judges.

Bunker Hill, Valley Forge, Yorktown, Gettysburg, Pearl Harbor, Guadalcanal, Normandy, Iwo Jima, Korea, Vietnam, Iraq, Afghanistan. These places and others are where our patriots and soldiers died defending freedom and justice. How many hundreds of thousands of lives were lost? Sacrifices are still being made today. From Iraq and Afghanistan, the bodies of our soldiers are flown to Dover Air Force Base. The bodies are turned over to their families. We hold funerals and processions in the communities around our nation. Children bury a father or a

mother. Parents bury a son or a daughter. Other soldiers return home with terrible injuries. They may be paraplegics in wheelchairs. Limbs, eyes, and organs may have been blown away. We enjoy our liberty because they sacrificed for us.

I submit that we dishonor their sacrifice if we tolerate a judicial and legal system with little accountability. We dishonor their sacrifice when it is possible to walk into the courtrooms of New York and encounter the two bullies of Mineola. We dishonor their sacrifice when innocent people are convicted and sent to jail and when it takes years to correct mistakes and errors. Americans have enacted reforms and made improvements in the financial system, in healthcare, and in education. One area of our society that is resistant to change is the legal system. It costs the nation hundreds of billions of dollars. It continues to operate with archaic procedures, long delays, and little accountability and transparency. We will not be told that it is too complicated for us to understand. We all understand basic justice and fairness.

The price of freedom is eternal vigilance.

There is no crueler tyranny than that which is exercised under cover of law and with the colors of justice.

Injustice anywhere is a threat to justice everywhere.

Our actions matter, and can bend history in the direction of justice.

Bringing change and reform will be hard. No one will discuss or comment on what has taken place in my case. No one will give interviews or acknowledge responsibility. You get the runaround with form letters. We honor our ideals not when it is easy, but when it is hard. Make copies of this material and distribute and disseminate it to as many people as possible. Discuss

this in churches, in classrooms, at the workplace, and with friends and neighbors.

As a college professor, a student may come to see me about a problem. Suppose she leaves my office distraught and complains to a colleague I am unfair. If she were to rush to the bridge and jump off, there would be an investigation into what transpired before her suicide. Suppose her classmates testified I repeatedly mocked her in class and she left the class in tears. Suppose a search turned up an exam where I wrote: You made threats like the person who committed the Fort Hood massacre. Suppose she had gone to the FBI, reported back to me there were no threats, and then I retaliated against her. Suppose the student then complained about me and the grade she received. Should the response be "Get lost"? There would be total outrage. Before something like that happens, I hope any student can go to my Dept. chairman, to my Dean, to Father Harrington, or anyone else at St. John's and they stop me before I seriously harmed someone or contributed to their suicide. With persecution, we become more compassionate about the suffering of others.

The court system is the Twilight Zone of American democracy. Does anything happen when a litigant commits suicide? Is there an investigation and an inquiry into the judge's actions? Rarely. Is there a moment of silence? Is anything learned? Rarely. Does anything change? An insignificant insect has perished. The court docket is cleared of a case. No one apologizes and admits anything might have gone wrong. Complaining about judges is lese-majesty. You are insulting the Emperor! How dare you? Grown men and women and Congressmen and Senators blanch at the thought of picking up the phone to get some rational explanation from anyone. It's like you are asking people to call the Mafia or the Colombian drug cartel to complain about a shipment of low-quality heroin. There is no HELP line. There is no rational person one can automatically reach. One of the most powerful branches of the government has become largely

unaccountable and unresponsive. The system discourages criticism. It doesn't do surveys or ask for feedback from litigants as far as I am aware. The judicial system should do more and change faster. There are many responsible, compassionate, and hard-working jurists who try to provide justice and fairness. But, as we see, there are others who perceive themselves as referees in a football game between two opposing sides and who turn to writing propaganda and nonsense. And there is no effective and timely recourse.

So, we have guided missiles and some misguided judges. We need brain surgery for brain-dead judges who represent a threat to national sanity or we need to replace them. We need an accountable and responsive judicial system. We owe this to ourselves. We owe this to our children. We owe this to our fallen soldiers. We owe this to our nation. What do we demand? Justice. When do we demand it? Now, in 2012.

Please make copies of this material and disseminate it to as many people as possible. Make reform and change part of the discussion with our political leaders. Write, call, and protest to:

Hon. Anthony Marano, Administrative Judge
Supreme Court, Nassau County
100 Supreme Court Drive
Mineola, NY 11501
(516) 493-3020
Fax: (516) 571-3713

Judge William F. Mastro
Appellate Division, Second Dept.
45 Monroe Place
Brooklyn, NY 11202
(718) 722-6307

Governor Andrew M. Cuomo
NYS Capitol Building
Albany, NY 12224
(518) 474-8390

Eric T. Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224-0341
(800) 771-7755

Chief Judge Jonathan Lippman
New York State Court of Appeals
20 Eagle Street
Albany, NY 12207
(518) 455-7700

Senator Charles Schumer
780 Third Avenue; Suite 2301
New York, NY 10017
(212) 486-4430

Senator Kirsten Gillibrand
780 Third Avenue; Suite 2601
New York, NY 10017
(212) 688-6262