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Noon → Pietruszka under door.

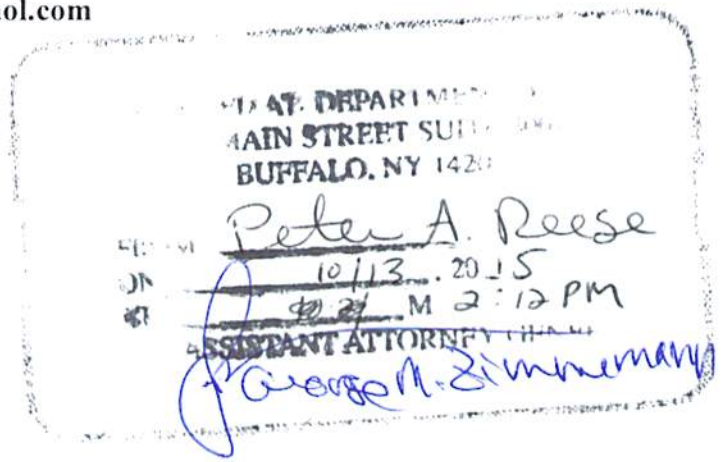
Peter A. Reese
 Attorney and Counselor at Law
 49 Starin Avenue
 Buffalo, New York 14214
 Cellular: (716) 870-5450
 PReese270@aol.com

DA office
 2015 OCT 13 PM 12:00

October 13, 2015

Hon. Michael Pietruszka
 Erie County Court Judge
 County Court, Erie County
 Buffalo, New York 14202

RE: David B. Pfaff



Dear Judge Pietruszka:

I write in response to your letter of October 5, 2015.

I find, unfortunately, that your letter fails to address several of the issues raised by mine of October 5, 2015 (mistakenly dated 10/6/15) and raises some additional questions that need to be answered.

You state that you appointed counsel at the request of the Attorney General's office, yet their authority to make such a request is unclear as their interests are hostile to Mr. Pfaff's. Their communication appears to be ex parte so the question arises of which exception to the general ban on such communications applies here?

You state that counsel was appointed pursuant to County Law 18-B, however, that statute only allows counsel to be appointed to represent someone "charged with a crime." I have no information that Mr. Pfaff has been so charged.

It is difficult to understand how you feel that Mr. Pfaff's letter "...was unclear as to the issue of representation..." My client clearly indicated that he declined your assignment of Mr. Worrell to represent him and stated, "After careful consideration I've asked attorney Peter A. Reese to counsel me on this matter." What is unclear about this?

You have failed to explain why the Court completely ignored my communication to the Court's staff on the morning of September 30th informing the Court that I had been the recipient of a disturbing communication, which I took to be a threat: "On September 29, 2015, I was told repeatedly by FBI Special Agent Brian A. Burns that I could not represent Mr. Pfaff as I was

going to be a witness in the case against him and that I "better talk to Judge Pietruszka" about this."

The issues that remain unanswered by your letter include:

1. My request for copies of all records pertaining to any prior communications between the Court and prosecutors or law enforcement agencies.
2. The propriety of law enforcement agents who are not lawyers attempting to coerce 6th Amendment counsel to withdraw from a case by invoking your name, including your implied imprimatur on their tactic.
3. Whether Mr. Pfaff's constitutional rights to counsel, state and federal, have been violated.
4. What the proper remedy would be for such a violation including termination of the incipient prosecution of Mr. Pfaff.

These are all important issues that need to be investigated and fully answered. I realize that courts are not themselves investigative, but adjudicative, agencies. Fortunately, there is an agency with explicit investigative powers and with jurisdiction over precisely the issues raised in this letter: the Erie County Grand Jury.

By this letter, I am asking that the Erie County Grand Jury initiate a full investigation of these issues pursuant to its authority under the New York Constitution, the common law and statutes. See, N. Y. Constitution, Article 1, § 6; CPL §190.05; *People v. Williams*, 73 NY2d 84, 88 ("the Grand Jury [is] a bulwark against oppressive governmental action. . ."); First Amendment, U.S. Constitution (right to petition). I am asking that you forward this letter to the Grand Jury Foreperson with all of the attachments listed below.

I am copying the Administrative Judge, Hon. Paula Feroletto on this letter as I am not certain which judge presently is assigned to grand jury matters as well as to bring to her awareness the grave concerns expressed in this letter.

Finally, since evidence is generally presented to the Grand Jury by the District Attorney, I am also forwarding this letter to Frank A. Sedita, III, Esq. and asking him as well to forward this letter to the Grand Jury Foreperson.

Thank you.

Very truly yours,



Peter A. Reese

cc: Hon. Paula Feroletto, Administrative Judge
Hon. Frank A. Sedita, III, Esq., District Attorney
Susan Sadinsky, Esq., Office of the Attorney General

Enclosed Letters: Pietruszka to Pfaff 9/4/15
Pfaff to Pietruszka 9/18/15
Pietruszka to Pfaff 9/30/15
Reese to Pietruszka 10/5/15
Pietruszka to Reese 10/5/15



COUNTY COURT

ERIE COUNTY
BUFFALO, NY 14202

MICHAEL PIETRUSZKA
COUNTY JUDGE

716-845-9375

Fax: 845-7511

E-mail: mpietrus@courts.state.ny.us

September 4, 2015

Mr. David Pfaff
11 Deerhurst Park Boulevard
Kenmore, New York 14217

Dear Mr. Pfaff:

Please be advised that I have assigned Mark Worrell, Esq. to represent you. Mr. Worrell is located at 112 Franklin Street, Buffalo, New York 14202. His office phone number is 849-0328.

Very truly yours,

MICHAEL PIETRUSZKA
ERIE COUNTY COURT JUDGE

MP/ik

cc: Mark Worrell, Esq.

September 18, 2015

Honorable Michael Pietruszka
Erie County Court
25 Delaware Avenue
Buffalo, New York 14202

Re: Assigned Counsel

Dear Honorable Judge Pietruszka:

I want to thank you for your letter dated September 4, 2015 wherein you assigned Mr. Mark Worrell, Esq. to represent me. While I'm sure Mr. Worrell would do the job admirably, I must respectfully decline.

After careful consideration I've asked attorney Peter A. Reese to counsel me on this matter. Please advise me if Mr. Reese can be compensated in the same manner as Mr. Worrell.

Thank you again.

Respectfully yours,

David B. Pfaff

Cc Mark Worrell



COUNTY COURT

ERIE COUNTY
BUFFALO, NY 14202

MICHAEL PIETRUSZKA
COUNTY JUDGE

September 30, 2015

716-845-9375
Fax: 845-7511
E-mail: mpietrus@courts.state.ny.us

Mr. David Pfaff
11 Deerhurst Park Boulevard
Kenmore, New York 14217

RE: David Pfaff

Dear Mr. Pfaff:

This letter is to advise you that a meeting has been scheduled to address your assignment of counsel issue, on **TUESDAY, OCTOBER 13, 2015 at 9:30 a.m.** in Erie County Court, 25 Delaware Avenue, Buffalo, New York 14202, Second Floor, Part 12.

Very truly yours,

MICHAEL PIETRUSZKA
ERIE COUNTY COURT JUDGE

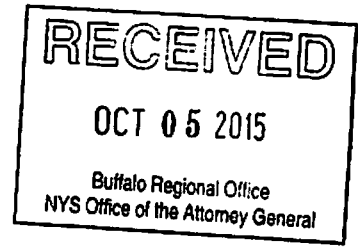
MP/lk

cc: Mark A. Worrell, Esq.

Susan Sadinsky, Esq.
Office of Attorney General

Pietruszka - 12:15 within doc

Peter A. Reese
Attorney and Counselor at Law
49 Starin Avenue
Buffalo, New York 14214
Cellular: (716) 870-5450
PReese270@aol.com



October 6, 2015

Hon. Michael Pietruszka
Erie County Court Judge
County Court, Erie County
Buffalo, New York 14202

RE: David B. Pfaff

Dear Judge Pietruszka:

I represent Mr. David B. Pfaff and write to express my concerns about various recent developments.

First, while Mr. Pfaff notified the Court by letter of September 18, 2015 that he was represented by me, the Court recently wrote directly to my client on September 30, 2015, to inform him that a meeting has been scheduled for October 13th "to address your assignment of counsel issue." This letter was not addressed to me in any manner and I would have been unaware of it had Mr. Pfaff not brought it to my attention.

Neither my client nor I had any prior knowledge that you believed there was such issue and we are concerned about what prior communications, if any, have been made to the Court by prosecutors or law enforcement agents about this issue. If there are any records of such communications, I hereby request copies of the same immediately.

I note in this regard that I did contact the Court's staff on the morning of September 30th to inform the Court that I had been the recipient of a disturbing communication, which I took to be a threat. On September 29, 2015, I was told repeatedly by FBI Special Agent Brian A. Burns that I could not represent Mr. Pfaff as I was going to be a witness in the case against him and that I "better talk to Judge Pietruszka" about this. This suggests that there have been prior communications with the Court about this issue, without any notice to me or my client.

Instead of responding to my communication, however, the Court ignored it and sent the letter dated September 30, discussed above.

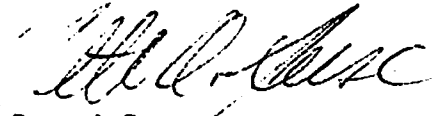
At this same September 29, meeting, Special Agent Burns showed me a copy of an email which I had forwarded to my client several years ago. Mr. Burns gleefully indicated that he had seized all of my client's emails, even though my client has never been served with a warrant allowing the authorities to seize his personal communications. He also told me that he had other emails which documented Mr. Pfaff's "coordination" with candidates of purported unauthorized, independent campaign mailings, although he did not show me any such documents. When I asked Mr. Burns whether he could be prosecuted for lying to me, he proudly proclaimed that he had the legal right to lie without fear of repercussion. His arrogance and general behavior convinced me that Mr. Burns has made lying a way of life.

Among my concerns is whether there is an effort to artificially disqualify me as Mr. Pfaff's counsel to deprive him of his choice of preferred counsel and therefore threaten to violate his federal and state constitutional right to counsel in criminal matters.

In am urgently requesting a meeting with the Court to address these concerns.

I am copying Susan Sadinsky, Esq. as she was copied on the Court's prior letter of September 30, 2015.

Very truly yours,



Peter A. Reese

cc: Susan Sadinsky, Esq.
Office of Attorney General



COUNTY COURT

ERIE COUNTY
BUFFALO, NY 14202

October 5, 2015

MICHAEL PIETRUSZKA
COUNTY JUDGE
Peter A. Reese
Attorney and Counselor at Law
49 Starin Avenue
Buffalo, New York 14214

716-845-9375
Fax: 845-7511
E-mail mpietrus@courts.state.ny.us

RE: David P. Pfaff

Dear Mr. Reese:

There was some confusion with regard to Mr. Pfaff's representation. At the request of the NYS Attorney General's Office, I appointed Mark Worrell to represent Mr. Pfaff under NYS County Law Section 18-B. A letter was sent to Mr. Pfaff to advise him of this appointment.

I then received a letter from Mr. Pfaff that was unclear as to the issue of representation, advising me that he would rather be represented by you, with your fees being charged to Erie County's Assigned Counsel Program. The October 13, 2015 conference was scheduled to explain to Mr. Pfaff that this Court could not authorize your payment by the county as you were not on the Assigned Counsel's eligible attorneys list. It was my intention, at that point, to have Mr. Pfaff decide whether he would be represented by Mr. Worrell under the Assigned Counsel Program, or be represented by you as his retained attorney.

As the first line of your letter dated October 6, 2015 resolves this issue, confirming that Mr. Pfaff has, in fact, privately retained your services himself, there is no longer any reason for the October 13th conference, and I am cancelling it.

Thank you for clearing up this matter.

Very truly yours,

MICHAEL PIETRUSZKA
ERIE COUNTY COURT JUDGE

MP/lk
cc: David Pfaff
Mark Worrell
Susan Sadinsky