

U.S. District Court
Northern District of New York [LIVE - Version 2.5L] (Albany)
CRIMINAL DOCKET FOR CASE #: 1:03-cr-00436-FJS-1

Case title: USA v. Kornak

Date Filed: 10/29/2003

Assigned to: Senior Judge
Frederick J. Scullin, Jr

Defendant

Paul H. Kornak (1)
TERMINATED: 11/23/2005

represented by **E. Stewart Jones, Jr.**
Office of E. Stewart Jones, Jr.
28 Second Street
Jones Building
Troy, NY 12181
518-274-5820
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1001.F STATEMENTS OR
ENTRIES GENERALLY
(1)

18:1341.F FRAUDS AND
SWINDLES
(15)

18:13-0310.F INVOLUNTARY
MANSLAUGHTER
(48)

Disposition

60 months imprisonment, \$100.00 special
assessment fee, restitution, 3 years of supervised
release, special and standard conditions.

71 months imprisonment, \$100.00 special
assessment fee, restitution, 3 years of supervised
release, special and standard conditions

48 months imprisonment, \$100.00 special
assessment fee, restitution, special and standard
conditions

Highest Offense Level
(Opening)

Felony

Terminated Counts

Disposition

18:1001.F STATEMENTS OR
ENTRIES GENERALLY
(2)

dismissed

18:1341.F FRAUDS AND
SWINDLES
(3-14)

dismissed

18:1341.F FRAUDS AND
SWINDLES
(16-20)

dismissed

18:1001.F STATEMENTS OR
ENTRIES GENERALLY
(21)

dismissed

18:1001.F STATEMENTS OR
ENTRIES GENERALLY
(22)

dismissed

18:1001.F STATEMENTS OR
ENTRIES GENERALLY
(23-46)

dismissed

18:1112.F MANSLAUGHTER,
INVOLUNTARY
(47)

dismissed

Highest Offense Level
(Terminated)

Felony

Complaints

Disposition

None

Plaintiff

USArepresented by **Grant C. Jaquith**Office of United States Attorney -
AlbanyJames T. Foley U.S. Courthouse
445 Broadway218 James T. Foley U.S. Courthouse
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LEAD ATTORNEY**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
10/29/2003	1	INDICTMENT as to Paul H. Kornak (1) count(s) 1, 2, 3-20, 21, 23-46, 47, 48 (tab) Additional attachment(s) added on 7/26/2004 (tab,). (Entered: 11/03/2003)
10/29/2003		Count(s) added Paul H. Kornak (1) count(s) 22 (tab) (Entered: 11/03/2003)
11/03/2003	2	Minute entry as to Paul H. Kornak : CRD/ECRO: R.Hinman; CD# 03-T-59; Judge Treece presiding; AUSA Grant Jaquith; E. Stewart Jones, Jr., Esq. for deft; Pretrial Services Officer MJ Blomquist; Initial appearance and arraignment held; Deft pleads not guilty; Bond set in the amount of \$50,000 to be secured by cash or property; Deft is released. (rzh) (Entered: 11/04/2003)
11/03/2003		Initial appearance as to Paul H. Kornak held (Defendant informed of rights.) before Judge Treece (rzh) (Entered: 11/04/2003)
11/03/2003		Arraignment as to Paul H. Kornak held before Judge Treece (rzh) (Entered: 11/04/2003)
11/03/2003		PLEA of Not Guilty: Paul H. Kornak (1) count(s) 1, 2, 3-20, 21, 23-46, 47, 48, 22 ; Court accepts plea. Remaining counts, if any, to be dismissed at sentencing. (rzh) (Entered: 11/04/2003)
11/03/2003	3	AGREEMENT TO FORFEIT PROPERTY by Paul H. Kornak (jel) (Entered: 11/06/2003)

11/03/2003	4	APPEARANCE BOND entered by Paul H. Kornak in Amount \$ 50,000.00 secured by (3) three properties. (jel) (Entered: 11/06/2003)
11/03/2003	5	Receipt of Non-Cash Collateral from Paul H. Kornak Type(passport; deed;other {describe}): deed Vault/Location: Albany Receipt #: 0548 (jel) (Entered: 11/06/2003)
11/03/2003	6	Receipt of Non-Cash Collateral from Paul H. Kornak Type(passport; deed;other {describe}): deed Vault/Location: Albany Receipt #: 0549 (jel) (Entered: 11/06/2003)
11/03/2003	7	Receipt of Non-Cash Collateral from Paul H. Kornak Type(passport; deed;other {describe}): deed Vault/Location: Albany Receipt #: 0550 (jel) (Entered: 11/06/2003)
11/03/2003	8	CRIMINAL PRETRIAL ORDER as to Paul H. Kornak setting Jury Trial for 9:30 a.m. on 1/5/04 for Paul H. Kornak in Syracuse; Motion Filing deadline on 12/1/03 for Paul H. Kornak; (Signed by Magistrate Judge Randolph F. Treece on 11/3/03) (jel) (Entered: 11/06/2003)
11/21/2003	9	ORDER Setting Conditions of Release as to Paul H. Kornak Bond set to \$50,000.00 secured by cash or property for Paul H. Kornak. (Signed by Magistrate Judge Randolph F. Treece on 11/3/03) (jel) (Entered: 11/24/2003)
12/04/2003	10	STIPULATED PROTECTIVE ORDER: the parties stipulate and agree to the terms and conditions governing the disclosure of health information as well as discovery and confidential materials. (Signed by Chief Judge F. J. Scullin Jr.) (jmb) Additional attachment(s) added on 12/16/2003 (jmb,). (Entered: 12/08/2003)
12/04/2003	11	STIPULATION & ORDER OF CONTINUANCE: as to Paul H. Kornak, to Continue in Interests of Justice; Time Excluded from 12/4/03 to 3/1/04 , reset Motion Filing deadline to 2/27/04 , motion shall be returnable on 3/26/04 at 11:00 AM, if no motions are filed the Court resets Jury Trial for 3/8/04 at 9:30 AM in Syracuse , or in the alternative a change of plea will be held. (Signed by Chief Judge F. J. Scullin Jr.) (jmb) (Entered: 12/08/2003)

03/01/2004	12	STIPULATION & ORDER TO CONTINUE - Ends of Justice as to Paul H. Kornak. Time excluded from 3/1/04 until 5/29/04. Motions to be filed by 5/29/2004. Motions shall be returnable on 6/25/04 at 11:00 AM in Albany. Change of Plea set for 5/29/04. Jury Trial set for 6/7/2004 at 9:30 AM in Syracuse before Chief Judge Scullin. Signed by Judge Frederick J. Scullin Jr. on 3/1/04. (jmb) (Entered: 03/04/2004)
05/28/2004	13	ORDER TO CONTINUE - Ends of Justice as to Paul H. Kornak Time excluded from 5/28/2004 until 6/27/2004. Jury Trial reset for 7/6/2004 09:30 AM in Syracuse before Chief Judge Frederick J. Scullin Jr., if no motions are filed. Motions to be filed by 6/22/2004 and made returnable July 23, 2004 at 11:00am in Albany.. Signed by Judge Frederick J. Scullin Jr. on 5/28/2004. (bjw,) (Entered: 05/28/2004)
06/22/2004	14	MOTION for Omnibus Relief by Paul H. Kornak. Motion Hearing set for 7/23/2004 11:00 AM in Albany before Chief Judge Frederick J. Scullin Jr.. Response to Motion due by 7/6/2004 Reply to Response to Motion due by 7/12/2004. (Attachments: # 1 Affidavit # 2 Memorandum of Law # 3 Certificate of Service)(Jones, E.) (Entered: 06/22/2004)
06/30/2004	15	SEALED Order to Seal Document as to Paul H. Kornak. . Signed by Judge Frederick J. Scullin Jr. on 6/30/2004. (bjw,) (Entered: 06/30/2004)
06/30/2004	16	SEALED DOCUMENT - maintained in Clerk's Office and not available for electronic viewing (bjw,) (Entered: 06/30/2004)
07/06/2004	17	RESPONSE to Motion by USA as to Paul H. Kornak re 14 MOTION for Omnibus Relief (Jaquith, Grant) (Entered: 07/06/2004)
07/08/2004	18	NOTICE OF HEARING ON MOTION as to Paul H. Kornak Motion Hearing reset for 8/5/2004 at 09:00 AM in Albany before Chief Judge Frederick J. Scullin Jr. (kcl,) (Entered: 07/08/2004)
07/12/2004	19	REPLY TO RESPONSE to Motion by Paul H. Kornak re 14 MOTION for Omnibus Relief (Jones, E.) (Entered: 07/12/2004)
07/12/2004	20	Certificate of Service by Paul H. Kornak re 19 Reply to Response (Jones, E.) (Entered: 07/12/2004)

07/14/2004		SCHEDULING NOTICE: At request of the government: Reset Deadlines re Motion as to Paul H. Kornak 14 MOTION for Omnibus Relief. Motion Hearing set for 8/10/2004 02:30 PM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 07/14/2004)
08/10/2004	21	Minute Entry for proceedings held before Judge Frederick J. Scullin Jr.:Motion Hearing as to Paul H. Kornak held on 8/10/2004 re 14 MOTION for Omnibus Relief filed by Paul H. Kornak (Court Reporter Theresa Casal.) (tab) (Entered: 08/10/2004)
08/10/2004	22	SCHEDULING NOTICE as to Paul H. Kornak Jury Trial set for 11/15/2004 09:30 AM in Albany before Chief Judge Frederick J. Scullin Jr. Final Pretrial Conference set for 11/10/2004 at 4:00pm by video. (bjw,) (Entered: 08/10/2004)
10/20/2004	23	ORDER TO CONTINUE - Ends of Justice as to Paul H. Kornak Time excluded from 10/20/2004 until 1/18/2005. Jury Trial reset for 1/24/2005 02:00 PM in Albany before Chief Judge Frederick J. Scullin Jr., IF NO MOTIONS ARE FILED. Motions to be filed by 12/28/2004 and made returnable 1/28/2005 at 11:00am in Albany. IF NO MOTIONS ARE FILED a Final Pretrial Conference will be held by video conference on 1/18/2005 at 4:00pm. Judge Scullin will preside in Syracuse. All pretrial submissions are due by 1/11/2005, in accordance with the previously issued criminal pretrial order. Motions in limine are due 1/11/2005 and responses are due 1/14/2005.. Signed by Judge Frederick J. Scullin Jr. on 10/20/2004. (bjw,) (Entered: 10/22/2004)
01/12/2005		SCHEDULING NOTICE: Set Hearings as to Paul H. Kornak: At the request of the government: Change of Plea Hearing set for 1/18/2005 04:00 PM by Video Conference in Albany before Chief Judge Frederick J. Scullin Jr. All parties will appear in Albany and Judge Scullin will preside in Syracuse. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 01/12/2005)

01/18/2005		Minute Entry for proceedings held before Judge Frederick J. Scullin Jr.:Change of Plea Hearing as to Paul H. Kornak held on 1/18/2005. Deft is sworn by Clerk, advised of rights and questioned by Court. Plea entered by Paul H. Kornak (1) Guilty Count 1,15,48. Court reserves on acceptance of plea agreement. Deft is advised that pursuant to recent Supreme Court decision, sentencing guidelines are no longer mandatory, but advisory and therefore will be sentenced accordingly. Sentencing set for 5/27/2005 at 11:30am in Albany. Deft is continued on release conditions as previously set with the addition that the deft will now be placed under pre-sentence supervision and will sign the standard conditions of supervision accordingly. APP: Grant Jaquith, AUSA; E. Stewart Jones, Esq. (Court Reporter Khris Sellin) (bjw,) (Entered: 01/18/2005)
01/18/2005	24	GUIDELINE ORDER as to Paul H. Kornak Sentencing set for 5/27/2005 11:30 AM in Albany before Chief Judge Frederick J. Scullin Jr... Signed by Judge Frederick J. Scullin Jr. on 1/18/2005. (bjw,) (Entered: 01/18/2005)
01/19/2005	25	PLEA AGREEMENT as to Paul H. Kornak (Jaquith, Grant) (Entered: 01/19/2005)
01/25/2005	26	Receipt for Non-Cash Collateral: Surrender of Non-Cash Collateral as to Paul H. Kornak. Description of Collateral: Passport, placed in vault in Albany. (wjg,) (Entered: 01/27/2005)
03/29/2005	27	TRANSCRIPT OF VIDEOCONFERENCE PLEA PROCEEDINGS: as to Paul H. Kornak held on January 18, 2005 before Chief Judge Frederick J. Scullin, Jr. Court Reporter: Khristine D. Sellin. {Document not available for electronic view} (jmb) (Entered: 03/30/2005)
05/09/2005		SCHEDULING NOTICE: Reset Hearings as to Paul H. Kornak: At the request of defense counsel: Sentencing reset for 8/10/2005 10:00 AM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 05/09/2005)
06/03/2005	28	Letter from E. Stewart Jones, Jr. for Paul H. Kornak requesting rescheduling sentencing date (Jones, E.) (Entered: 06/03/2005)
06/07/2005		SCHEDULING NOTICE: Reset Hearings as to Paul H. Kornak: At the request of defense counsel: Sentencing reset for 8/11/2005 02:30 PM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 06/07/2005)

06/07/2005	29	Letter from defense counsel for Paul H. Kornak requesting adjournment of sentencing (bjw,) (Entered: 06/07/2005)
07/27/2005	30	SENTENCING MEMORANDUM by Paul H. Kornak (Jones, E.) (Entered: 07/27/2005)
07/27/2005	31	Certificate of Service by Paul H. Kornak re 30 Sentencing Memorandum (Jones, E.) (Entered: 07/27/2005)
07/28/2005	32	SENTENCING MEMORANDUM by USA as to Paul H. Kornak (Attachments: # 1 certificate of service)(Jaquith, Grant) (Entered: 07/28/2005)
08/10/2005		SCHEDULING NOTICE: TIME CHANGE ONLY as to Paul H. Kornak: Sentencing remains set for 8/11/2005 and the time has been changed to 11:30 AM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 08/10/2005)
08/11/2005	33	Minute Entry for proceedings held before Chief Judge Frederick J. Scullin Jr.: An INCOMPLETE SENTENCING was held on 8/11/05. A Sentencing / Hearing is set for 9/13/2005 04:00 PM in Albany, before Chief Judge Frederick J. Scullin Jr. Briefing deadlines are set in reference to a potential upward departure / enhancement: The Government's brief is due on 8/26/05. The Defendant's reply brief is due on 9/02/05. (Court Reporter T. Casla & CRD S. Snyder) (sas) (Entered: 08/11/2005)
08/18/2005		SCHEDULING NOTICE: Reset Hearings as to Paul H. Kornak: Due to a change in the Court's calendar: Sentencing/Hearing reset for 9/21/2005 09:00 AM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 08/18/2005)
08/26/2005	34	Supplemental SENTENCING MEMORANDUM by USA as to Paul H. Kornak (Jaquith, Grant) (Entered: 08/26/2005)
09/02/2005	35	Supplemental SENTENCING MEMORANDUM by Paul H. Kornak (Jones, E.) (Entered: 09/02/2005)
09/15/2005		SCHEDULING NOTICE: Reset Hearings as to Paul H. Kornak: At the request of the government and with consent of defense counsel: Sentencing reset for 11/21/2005 02:00 PM in Albany before Chief Judge Frederick J. Scullin Jr. (Barbara J. Woodford, Courtroom Clerk) (bjw,) (Entered: 09/15/2005)

09/19/2005	36	TRANSCRIPT of Proceedings as to Paul H. Kornak held on 8/11/05 (sentencing) before Judge Scullin, Court Reporter: T. Casal - maintained in Clerk's Office and not available for electronic viewing. (wjg,) (Entered: 09/21/2005)
11/14/2005	37	SENTENCING MEMORANDUM by USA as to Paul H. Kornak (Attachments: # 1 Affirmation certificate of service)(Jaquith, Grant) (Entered: 11/14/2005)
11/16/2005	38	REPLY TO RESPONSE to Motion by Paul H. Kornak re 14 MOTION for Omnibus Relief <i>Defendant's Reply to the Government's Response to the Supplemental Sentencing Memorandum of the Defendant</i> (Jones, E.) (Entered: 11/16/2005)
11/21/2005	39	Minute Entry for proceedings held before Judge Frederick J. Scullin Jr.:Sentencing held on 11/21/2005 for Paul H. Kornak (1), Count(s) 1, 60 months imprisonment, \$100.00 special assessment fee, restitution, 3 years of supervised release, special and standard conditions.; Count(s) 15, 71 months imprisonment, \$100.00 special assessment fee, restitution, 3 years of supervised release, special and standard conditions; Count(s) 16-20, 2, 21, 22, 23-46, 3-14, 47, dismissed; Count(s) 48, 48 months imprisonment, \$100.00 special assessment fee, restitution, special and standard conditions. All counts to run concurrently. Restitution total: \$638,775.05. (Court Reporter Theresa Casal) (tab,) (Entered: 11/22/2005)
11/23/2005	40	JUDGMENT as to Paul H. Kornak (1), Count(s) 1, 60 months imprisonment, 3 years of supervised release; Count(s) 15, 71 months imprisonment, 3 years supervised release, Count(s) 48, 48 months imprisonment, 1 year supervised release. Count(s) 2-14, 16-47, dismissed upon motion of USA. All counts to run concurrently for a total term of imprisonment of 71 mos. Supervised release to run concurrently for a total term of 3 yrs. Restitution: \$638,775.05 due immediately. SA: \$300.. Signed by Judge Frederick J. Scullin Jr. on 11/23/2005. (bjw,) (Entered: 11/23/2005)
12/06/2005	41	AMENDED JUDGMENT as to Paul H. Kornak. Amended for clerical error. Amount of restitution amended. . Signed by Judge Frederick J. Scullin Jr. on 12/6/2005. (bjw,) (Entered: 12/06/2005)
01/11/2006	42	TRANSCRIPT of Proceedings as to Paul H. Kornak held on 11/21/05 (sentencing - cont'd) before Judge Scullin, Court Reporter: T. Casal - maintained in Clerk's Office and not available for electronic viewing. (wjg,) (Entered: 01/12/2006)

01/17/2006

[43](#)Judgment Returned Executed, Re [41](#) Amended Judgment as to Paul H. Kornak on 1/3/06. (jmb) (Entered: 01/19/2006)**PACER Service Center****Transaction Receipt**

05/19/2006 22:36:54

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