

**U.S. District Court
Eastern District of New York (Brooklyn)
CRIMINAL DOCKET FOR CASE #: 1:97-cr-00798-CBA All Defendants**

Case title: USA v. Horowitz

Date Filed: 08/26/1997

Date Terminated: 06/22/1999

Assigned to: Judge Carol Bagley
Amon

Defendant (1)

Burton R. Horowitz

TERMINATED: 05/21/1999

represented by **Thomas J. Cammarata**
Cammarata Nulty & Garrigan LLC
850 Bergen Ave.
Jersey City, NJ 07306
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TERMINATED: 05/21/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Wendy B. Schreckinger
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Attorneys At Law
One Gateway Center
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TERMINATED: 05/21/1999
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:371 and 3551 et seq.-
CONSPIRACY TO DEFRAUD THE
UNITED STATES.
(1s)

Disposition

Def't. sentenced to probation for a
term of 5 years. Special Conditions: 1
year home detention; 240 hours of
Community Service as directed by
the Probation Department. Special
Assessment: \$50.00. Restitution:
\$300,000.00 to be paid to the Cl erk

of the Court.

Highest Offense Level (Opening)

Felony

Terminated Counts

18:371 and 3551 et seq. -
CONSPIRACY TO DEFRAUD THE
UNITED STATES.

(1)

18:1954(1), 2, and 3551 et seq.-
EMPLOYEE BENEFITS - FRAUD.

(2s)

Disposition

Dismissed on Motion of the
Government on 5/21/99.

Dismissed on Motion of the
Government on 5/21/99.

**Highest Offense Level
(Terminated)**

Felony

Complaints

None

Disposition

Plaintiff

USA

represented by **David Hennessy**
United States Attorney's
Office/Criminal Division
225 Cadman Plaza East
Brooklyn, NY 11201
(718) 254-6272
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/26/1997	1	INDICTMENT as to Burton R. Horowitz (1) count(s) 1. (DiTomasso, Mike) (Entered: 09/03/1997)
08/26/1997		Magistrate Judge Mann has been selected by random selection to handle any matters that may be referred in this case. (DiTomasso, Mike) (Entered: 09/03/1997)
08/26/1997	2	CALENDAR ENTRY as to Burton R. Horowitz ; Case called on date of

		8/26/97 for Grand Jury presentment of Indictment. (DiTomasso, Mike) (Entered: 09/03/1997)
08/27/1997	3	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Magistrate John L. Caden on date of 8/27/97 for Arraignment. Tape # 97/63 1095 to 1457. Defendant present with attorney Wendy Schrecking. Defendant pleads Not Guilty: Burton R. Horowitz (1) count(s) 1 . AUSA David Hennessy. Setting status conference for 12:00 9/12/97 for Burton R. Horowitz Judge Carol B. Amon . Bond set to \$100,000.00 for Burton R. Horowitz. Travel: NY, NJ, & Florida. Defendant permitted to travel USA for business with notice to Pre-Trial Services. Defendant to report to PTS 1X per week by phone. Passport to be surrendered to PTS. Defendant no to apply for a new one . (DiTomasso, Mike) (Entered: 09/03/1997)
08/27/1997	4	Arrest WARRANT Returned Executed as to Burton R. Horowitz on 8/27/97. (DiTomasso, Mike) (Entered: 09/09/1997)
09/12/1997	6	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on date of 9/12/97 for status conference Court Reporter/ESR - Holley Driscoll, setting status conference for 4:30 9/29/97 for Burton R. Horowitz before Judge Carol B. Amon . Defendant appeared without counsel. Previous attorney didn't file a notice of appearance and was only there for arraignment. Defendant given until 9/29/97 at 4:30 to secure counsel. Time excluded from 9/12/97 through 9/29/97. (DiTomasso, Mike) (Entered: 09/22/1997)
09/12/1997	7	ORDER of excludable delay as to Burton R. Horowitz from 9/12/97 through 9/29/97. (Signed by Judge Carol B. Amon , dated: 9/12/97) (DiTomasso, Mike) (Entered: 09/22/1997)
09/17/1997	5	NOTICE of Appearance for Burton R. Horowitz by Attorney Wendy B. Schreckinger. (Vaughn, Terry) (Entered: 09/17/1997)
09/29/1997	11	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on date of 9/29/97 for Bail conditions modified. Court Reporter/ESR - Lourdes Vazquez., Defense counsel admitted pro-hac vice. Appropriate certificates to be filed. Notice of appearance filed. Further conference set for 10/14/97 at 9:00. Bail conditions modified as follows: defendant permitted to travel throughout the tri-state area without notifying Probation. (DiTomasso, Mike) (Entered: 10/10/1997)
09/29/1997	12	NOTICE of Appearance for Burton R. Horowitz by Attorney Thomas J. Cammarata (DiTomasso, Mike) (Entered: 10/10/1997)
09/30/1997	9	LETTER dated 9/29/97 from David Hennessy to Thomas Cammarata, Esq., providing discovery. (DiTomasso, Mike) (Entered: 10/09/1997)
10/02/1997	10	LETTER dated 10/2/97 from David Hennessy, Esq., to Thomas Cammarata, Esq., providing additional discovery. (DiTomasso, Mike) (Entered: 10/02/1997)

		10/09/1997)
10/07/1997	14	Cover letter to Government's Memorandum of law in support of its motion to introduce evidence of certain "other crimes, wrongs, or acts", dated 10/6/97 from AUSA David Hennessy to Judge Amon, (DiTomasso, Mike) (Entered: 10/22/1997)
10/08/1997	8	BOND entered by Burton R. Horowitz in Amount \$ 100,000. (Signed by Magistrate John L. Caden , dated 8/27/97) (DiTomasso, Mike) (Entered: 10/08/1997)
10/09/1997	13	LETTER dated 10/9/97 from AUSA, David Hennessy, to Thomas Cammarata, Esq., providing the information regarding the cost of photocopying the discovery that Mr. Garrigan and Mr. Horowitz reviewed on 10/7/97. (Murphy, Margaret) (Entered: 10/20/1997)
10/14/1997	18	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on date of 10/14/97 for status conference. Court Reporter/ESR - Diana Pereira. Defendant and attorney present. AUSA present. Government continuing to narrow down discovery; 2 weeks to finalize. Defendant's motion by 10/28/97; government's response by 11/12/97. Defendant to respond to government's 404B motion (filed 10/6/97) by 10/28/97. status conference set for 2:00 11/14/97 for Burton R. Horowitz before Judge Carol B. Amon . (DiTomasso, Mike) (Entered: 11/05/1997)
10/27/1997	15	COVER LETTER dated 10/24/97 from Thomas J. Cammarata to Judge Amon, with enclosed memorandum in lieu of a more formal submission in opposition to the government's in limine application set forth in their letter and brief dated 10/6/97. (DiTomasso, Mike) (Entered: 10/30/1997)
10/28/1997	17	LETTER dated 10/27/97 from David Hennessy to Thomas Cammarata, Esq., providing discovery.a (DiTomasso, Mike) (Entered: 11/04/1997)
10/30/1997	16	MEMORANDUM by Burton R. Horowitz in support of request for hearing on the issue of whether the government granted defendant use and derivative use immunity surrounding statements he gave on two occasions relating to proffer agreements. (DiTomasso, Mike) (Entered: 10/30/1997)
11/12/1997	19	COVER LETTER dated 11/12/97 from David Hennessy to Judge Amon, with documents for filing. (DiTomasso, Mike) (Entered: 11/18/1997)
11/12/1997	20	REPLY by USA as to Burton R. Horowitz to response to defendant's Omnibus Motion. (DiTomasso, Mike) (Entered: 11/18/1997)
11/14/1997	29	LETTER dated 11.14.97 from David Hennessy, AUSA to Thomas Cammarata, Esq. providing him with additional discovery pursuant to Rule 16 of the Federal Rules of Criminal Procedure. Galeano, Sonia (Entered: 01/05/1998)

11/19/1997	21	MOTION by Burton R. Horowitz to suppress any statements allegedly made by the defendant to any government agents on 8/27/97 . Motion Hearing/Return date of 9:30 12/11/97 for Burton R. Horowitz [21-1] motion. (DiTomasso, Mike) (Entered: 11/24/1997)
11/19/1997	22	AFFIDAVIT by Burton R. Horowitz in support of 21-1] motion to suppress any statements allegedly made by the defendant to any government agents on 8/27/97. (DiTomasso, Mike) (Entered: 11/24/1997)
11/19/1997	23	MEMORANDUM by Burton R. Horowitz in support of [21-1] motion to suppress any statements allegedly made by the defendant to any government agents on 8/27/97. (DiTomasso, Mike) (Entered: 11/24/1997)
11/21/1997	25	LETTER dated 11/20/97 from AUSA David Hennessy to Thomas Cammarata, providing additional discovery. (Glenn, Marilyn) (Entered: 11/28/1997)
11/24/1997	24	MEMORANDUM by Burton R. Horowitz in opposition to the government's request to conduct the Kastigar hearing post trial. (DiTomasso, Mike) (Entered: 11/24/1997)
11/24/1997	27	LETTER dated 11/24/97 from ASUA Bridget M. Rohde to Judge Amon, questing one week adjournment from 11/26/97, to 12/3/97 as due date for AUSA Hennessey's responsive motion (DiTomasso, Mike) (Entered: 12/18/1997)
12/18/1997	26	ORDER as to Burton R. Horowitz, endorsed on letter dated 11/24/97, from Bridget M. Rohde to Judge Amon, extending time until 12/3/97 to submit responsive motions . (Signed by Judge Carol B. Amon , dated: 11/25/97) (DiTomasso, Mike) (Entered: 12/18/1997)
12/19/1997	31	LETTER dated 12/18/97 from David Hennessy to Judge Amon in response to the Court's invitation to submit recent Second Circuit authorities relating to the admissibility of Horowitz' post-arrest statements. (DiTomasso, Mike) (Entered: 01/06/1998)
12/22/1997	33	LETTER dated 12/17/97 from Jeffrey G. Garrigan to Judge Amon, requesting that the Court grant defendant's motion to suppress both the admissions made by Horowitz in the presence of Agents. (DiTomasso, Mike) (Entered: 01/07/1998)
12/29/1997	28	SEALED LETTER dated 12.16.97 from AUSA David Hennessy to J. Amon. (Mackey, Donna) (Entered: 12/29/1997)
12/31/1997	34	Cover letter dated 12/31/97 from David Hennessy to K. Carroll, forwarding a copy of tape #1 dated 9/2/97. (DiTomasso, Mike) (Entered: 01/26/1998)
01/06/1998	30	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on date of 12/11/97 for S/H Hearing Court Reporter/ESR - Allan Sherman, setting status conference for 9:30 1/26/98 for Burton R.

		Horowitz before Magistrate Carol B. Amon . Oral argument heard. Parties to supplement documents by 12/18/97. Oral argument heard regarding 404b. Tentative trial dates set 2/9/98 ro 2/23/98. Government to advise Court regarding trial conflict for 2/23/98. (DiTomasso, Mike) (Entered: 01/06/1998)
01/07/1998	32	SEALED ENVELOPE containing sealed document. (DiTomasso, Mike) (Entered: 01/07/1998)
01/13/1998	46	LETTER dated 1/9/98, from David Hennessy to Thomas Cammarata, Esq., providing discovery. (DiTomasso, Mike) (Entered: 03/02/1998)
01/30/1998	38	LETTER dated 1/29/98 from David Hennessy to Thomas Cammarata, Esq., in response to letter of 1/14/98. (DiTomasso, Mike) (Entered: 02/17/1998)
02/02/1998	35	Sentencing check list. (DiTomasso, Mike) (Entered: 02/02/1998)
02/04/1998	36	ORDER dated 1/23/98 that next status conference set for 2/9/98 for Burton R. Horowitz before Judge Carol B. Amon . CM (Signed by Judge Carol B. Amon on letter dated 1/22/98 from Thomas J. Cammarata). (Greves, Liz) (Entered: 02/04/1998)
02/06/1998	41	LETTER dated 2/6/98 from AUSA to J. Garrigan, Esq., in response to the letter dated 1/26/98. (DiTomasso, Mike) (Entered: 02/19/1998)
02/09/1998	42	CALENDAR ENTRY as to Burton R. Horowitz. Case called before Judge Carol B. Amon on 2/9/98 for status conference. AUSA David Hennessy and defense counsel Thomas Cammarata and Jeffrey Garrigan present. ESR: Robert Eppenstein. Defense counsel moves for additional time to gather medical info to evaluate competency . Next status conference set for 4:30 on 2/27/98 before Judge Carol B. Amon . (fe) (Entered: 02/23/1998)
02/09/1998	43	ORDER as to Burton R. Horowitz, for excludable delay from 2/9/98 to 2/27/98 . (Signed by Judge Carol B. Amon, dated: 2/9/98). (fe) (Entered: 02/23/1998)
02/10/1998	37	LETTER dated 2/9/98 from David Hennessy, Esq., to Jeffrey G. Garrigan, as a response regarding annexed list of 12 tapes. (List not received by the docket clerk.) (DiTomasso, Mike) (Entered: 02/13/1998)
02/10/1998	44	SUPERSEDING INDICTMENT as to Burton R. Horowitz (1) count(s) 1s, 2s . (Reddy, Lisa) (Entered: 02/25/1998)
02/10/1998	45	CALENDAR ENTRY as to Burton R. Horowitz. Case called on 2/10/98 for grand jury presentment. (Reddy, Lisa) (Entered: 02/25/1998)
02/11/1998	39	LETTER dated 2/10/98 from David Hennessy to Judge Amon, regarding attached superseding indictment. (DiTomasso, Mike) (Entered: 02/18/1998)
02/19/1998	40	LETTER dated 2/4/98 from Jeffrey G. Garrigan, Esq., to AUSA Hennessy

		with forwarding a copy of a report prepared by client's psychiatrist. (DiTomasso, Mike) (Entered: 02/19/1998)
02/27/1998	47	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on date of 2/27/98 for arraignment. Court Reporter/ESR - Henri Legendre. Defendant arraigned on superseding indictment. Not guilty plea entered. Counsel to file supplemental letter regarding Defendant's competency by 3/6/98. Suppression issue moot (government withdraws). PTS request to modify bail denied. Jury selection for 4/20/98 for Burton R. Horowitz before Judge Carol B. Amon , setting Jury trial for 4/21/98 for Burton R. Horowitz before Judge Carol B. Amon . (DiTomasso, Mike) (Entered: 03/09/1998)
02/27/1998		PLEA entered by Burton R. Horowitz . Court accepts plea. Not Guilty: Burton R. Horowitz (1) count(s) 1s, 2s (DiTomasso, Mike) (Entered: 03/09/1998)
03/10/1998	48	LETTER dated 3/10/98 from AUSA to Judge Amon, requesting an order requiring Horowitz to submit to an examination. (DiTomasso, Mike) (Entered: 03/20/1998)
03/10/1998	49	LETTER dated 3/10/98 from AUSA to Thomas Cammarata, Esq., providing additional discovery. (DiTomasso, Mike) (Entered: 03/20/1998)
03/30/1998	50	LETTER dated 3/22/98 from AUSA Hennessy to Sanford L. Drob regarding examination of Horowitz to determine his competency. (DiTomasso, Mike) (Entered: 03/30/1998)
05/08/1998	51	LETTER dated 3/19/98 from Jeffrey G. Garrigan, Esq. to Judge Amon advising the Court that the deft. withdraws his previously entered qualified objection and now has no objection to the Entry of an Order permitting the Govt.'s doctor to examine him. (Permaul, Jenny) (Entered: 05/08/1998)
06/16/1998	53	LETTER, w/o enclosures, dated 6/16/98 from AUSA, David Hennessy, to Judge Amon, withdrawing the government's challenge to Horowitz' fitness to stand trial since two doctors state that he is competent. (Asreen, Wendy) (Entered: 06/25/1998)
06/19/1998	54	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on 6/19/98 for Hearing and Status Conference. AUSA: David Hennessy; Thomas Cammarata and Jeffrey Garrigan also present. Court Reporter: Henry Shapiro. All parties satisfied Deft. is competent to proceed. Kastiger Hearing reset for 6/30/98 at 2:00 p.m. The Court has set Jury selection and trial for 9/22/98 for Burton R. Horowitz before Judge Carol B. Amon . (Permaul, Jenny) (Entered: 07/06/1998)
06/24/1998	52	LETTER dated 6/10/98 from Thomas J. Cammarata, Esq. to Judge Amon outlining the defendant's position in advance of the competency hearing presently scheduled for 6/19/98. (Permaul, Jenny) (Entered: 06/25/1998)

06/30/1998	56	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on 6/30/98 for Gulity Plea. AUSA: David Hennessy. Thomas Cammarata and Jeffrey Garrigan present. ESR: Bernadette Infantas. The Court has set Sentencing for 9:30 on 9/25/98 for Burton R. Horowitz before Judge Carol B. Amon . The Deft. enters a plea of Guilty: Burton R. Horowitz (1) count(s) 1s . Minutes ordered sealed. (Permaul, Jenny) (Entered: 07/09/1998)
07/06/1998	55	SEALED LETTER dated 6/29/98 from AUSA, David Hennessy, to Judge Amon, filed U.S. Attorney File No. 9600593. (Asreen, Wendy) (Entered: 07/06/1998)
09/11/1998	57	ORDER dated 9/10/98 as to Burton R. Horowitz, granting defendant an extension of time to make objections to the presentence report prepared in the above matter . Signed by Judge Carol B. Amon. See letter dated 9/8/98 from Thomas J. Cammarara, Esq. to Judge Amon. (Permaul, Jenny) (Entered: 09/11/1998)
09/24/1998	58	ORDER dated 9/22/98 as to Burton R. Horowitz, adjourning sentencing to 9:30 on 1/8/99 for Burton R. Horowitz before Judge Carol B. Amon . Signed by Judge Carol B. Amon. See letter dated 9/21/98 from David Hennessy, AUSA to Judge Amon. (Permaul, Jenny) (Entered: 09/24/1998)
09/24/1998	59	SEALED LETTER dated 9/21/98 (Government) Sealed as per order of Judge Amon. Date of Sealing: 9/22/98. Attorney in Charge: David Hennessy. U.S. Attorney file #: 9600593 (Permaul, Jenny) (Entered: 09/24/1998)
01/12/1999	60	SEALED LETTER dated 1/5/98 to Judge Amon. Sealed as per Order of Judge Amon. (Permaul, Jenny) (Entered: 01/12/1999)
04/07/1999	61	LETTER dated 4/5/99 from David Hennessy, AUSA to Judge Amon moving for a 30 day adjournment in Mr. Horowitz's sentencing. (Permaul, Jenny) (Entered: 04/07/1999)
04/15/1999	62	ORDER dated 4/6/99 as to Burton R. Horowitz granting the Government's application for a 30 day adjournment of the sentencing in this matter . New date: 5/7/99 at 4:00. Signed by Judge Carol B. Amon. c/m by chambers. (Permaul, Jenny) (Entered: 04/15/1999)
05/06/1999	63	LETTER dated 5/5/99 from David Hennessy, AUSA to Judge Amon moving for a short adjournment of Deft. Horowitz's sentencing from 5/7/99 to 5/21/99. (Permaul, Jenny) (Entered: 05/13/1999)
05/12/1999	64	LETTER dated 5.9.99 from Emma Poku to Judge Amon requesting that the Court reschedule a sentencing date. (Hunter, Tara) (Entered: 05/13/1999)
05/20/1999	65	ORDER dated 5/7/99 as to Burton R. Horowitz adjourning sentencing to 5/21/99 at 9::30. Signed by Judge Carol B. Amon. See letter dated 5/5/99

		from David Hennessy, AUSA to Judge Amon. (Permaul, Jenny) (Entered: 05/20/1999)
05/21/1999	66	CALENDAR ENTRY as to Burton R. Horowitz ; Case called before Judge Carol B. Amon on 5/21/99 for Sentencing. AUSA: David Hennessy; Thomas Cammarata, Esq. for the Deft; ESR: B. Infantas. Sentencing held. Deft. sentenced on Count # 1 to 5 years Probation. 1 yeat home detention; 240 hours Community Service. Restitution: \$300,000.00 paid in the 5 year period of probation in equal payments. Special assessment \$50.00. Count 2(s) and underlying counts of the indictment dismissed on motion of the government. (Permaul, Jenny) (Entered: 06/22/1999)
05/21/1999		Sentencing as to Burton R. Horowitz (1) held on count(s) 1s. (Permaul, Jenny) (Entered: 06/22/1999)
05/21/1999		DISMISSAL of Count(s) on Government Motion as to Burton R. Horowitz: Counts Dismissed: Burton R. Horowitz (1) count(s) 1, 2s. (Permaul, Jenny) (Entered: 06/22/1999)
06/22/1999	67	JUDGMENT as to Burton R. Horowitz (1) count(s) 1s. Deft. sentenced to probation for a term of 5 years. Special Conditions: 1 year home detention; 240 hours of Community Service as directed by the Probation Department. Special Assessment: \$50.00. Restitution: \$300,000.00 to be paid to the Clerk of the Court. Open Counts dismissed on Motion of the Government. Signed by Judge Carol B. Amon , on 6/16/99. c/m by chambers. Copy forwarded to Financial Section. party Burton R. Horowitz (Permaul, Jenny) (Entered: 06/22/1999)
07/26/1999	68	ORDER as to Burton R. Horowitz, Modifying Conditions of Release to include the special condition that the deft. make full financial disclosure to the U.S. Probation Dept. and the deft. participate in a mental health program as directed by the U.S. Probation Department. Signed by Judge Carol B. Amon , on 7/19/99. (Permaul, Jenny) (Entered: 08/06/1999)
11/18/1999	69	LETTER (copy) dated 11/18/99 from Thomas Firestone, AUSA to Judge Amon written in response to the defendant's letter of 11/12/99 requesting a modification of his sentence to elininate electronic monitoring. (Permaul, Jenny) (Entered: 11/26/1999)
03/07/2000	70	ORDER as to Burton R. Horowitz, Modifying Conditions of Release to allow the Probation Dept. to alter the home arrest portion of Mr. Horowitz's sentence by allowing him to have a call in system as opposed to electronic monitoring . Signed by Judge Carol B. Amon , on 11/15/00. {See letter dated 11/2/99 from Steven B. Horwitz, Esq. to Judge Amon} (Permaul, Jenny) (Entered: 03/07/2000)

Transaction Receipt

04/17/2017 14:52:09

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