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SERIAL NUMBER

STATE OF NEW YORK
COUNTY COURT : COUNTY OF ULSTER

C15-175

THE PEOPLE OF THE STATE OF NEW YORK

-against-

INDICTMENT
NO. 45-15

GILBERTO A. NUNEZ,

FILED
H M

Defendant.

APR 15 2015

NINA POSTUPACK
ULSTER COUNTY CLERK

FIRST COUNT

THE GRAND JURY OF THE COUNTY OF ULSTER, by this indictment, accuses the defendant of the offense of GRAND LARCENY IN THE THIRD DEGREE (PL 155.35[1]), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about the 6th day of June, 2014 did steal property and the value of the property exceeded three thousand dollars, to wit: Eighty-four hundred dollars (\$8,400.00) belonging to Preferred Mutual Insurance Company.

SECOND COUNT

AND THE GRAND JURY AFORESAID, by this indictment, further accuses the defendant of the offense of INSURANCE FRAUD IN THE THIRD DEGREE (PL 176.20), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about and between the 21st day of February 2014 and the 6th day of June, 2014 did commit a fraudulent insurance act and did thereby wrongfully take, obtain or

withhold, or attempt to wrongfully take, obtain or withhold property with a value in excess of three thousand dollars (\$3,000.00) to wit: Eighty-four hundred dollars (\$8,400.00) belonging to Preferred Mutual Insurance Company.

THIRD COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the Defendant of the offense of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE (PL 175.10), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about the 21st day of February 2014, with intent to defraud, did make or cause a false entry in the business records of an enterprise, to wit: Preferred Mutual Insurance Company, and his intent to defraud included an intent to commit another crime or to aid or conceal the commission thereof.

FOURTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the Defendant of the offense of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE (PL 175.10), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about the 23rd day of February 2014, with intent to defraud, did make or cause a false entry in the business records of an enterprise, to wit: Preferred Mutual Insurance Company, and his intent to defraud included an

intent to commit another crime or to aid or conceal the commission thereof.

FIFTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the Defendant of the offense of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE (PL 175.10), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about the 19th day of May 2014, with intent to defraud, did make or cause a false entry in the business records of an enterprise, to wit: Preferred Mutual Insurance Company, and his intent to defraud included an intent to commit another crime or to aid or conceal the commission thereof.

SIXTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the Defendant of the offense of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE (PL 175.10), committed as follows:

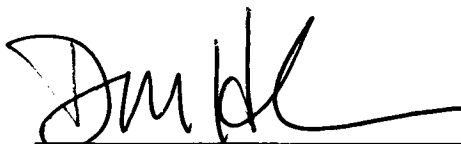
The said defendant, in the County of Ulster, State of New York, on or about the 19th day of May 2014, with intent to defraud, did make or cause a false entry in the business records of an enterprise, to wit: Preferred Mutual Insurance Company, and his intent to defraud included an intent to

commit another crime or to aid or conceal the commission thereof.


SEVENTH COUNT

AND THE GRAND JURY AFORESAID, by this Indictment, further accuses the Defendant of the offense of FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE (PL 175.10), committed as follows:

The said defendant, in the County of Ulster, State of New York, on or about the 28th day of May 2014, with intent to defraud, did make or cause a false entry in the business records of an enterprise, to wit: Preferred Mutual Insurance Company, and his intent to defraud included an intent to commit another crime or to aid or conceal the commission thereof.



DAVID M. HOOVLER
DISTRICT ATTORNEY OF ORANGE COUNTY
As Special Prosecutor



Nichole Burlingame
ACTING FOREPERSON, GRAND JURY

COUNTY COURT
STATE OF NEW YORK: COUNTY OF ULSTER
-----x

THE PEOPLE OF THE STATE OF NEW YORK

-against-

COMBINED NOTICES/DEMANDS
Ind. No. 45-15

GILBERTO A. NUNEZ,
Defendant.
-----x

PLEASE TAKE NOTICE of the following:

1. Pursuant to CPL 30.30, the People are ready for trial.
2. Pursuant to CPL 710.30, the People intend to offer at the trial of this action (a) evidence of statements made by the defendant to a public servant, which statements if involuntarily made would render the evidence thereof suppressible upon motion pursuant to CPL 710.20(3). Such evidence will be specified in a separate Notice Pursuant to CPL 710.30 or in the People's response to the Court's form discovery order, or both.
3. Pursuant to CPL 250.20(1), the People hereby demand that if the defendant intends to offer a trial defense that at the time of the commission of the crime(s) charged he was at some place or places other than the scene(s) of the crime(s), and to call witnesses in support of such defense, he must, within eight days of service of this demand, serve upon the People and file with the Court a "Notice of Alibi" reciting (a) the place or places where the defendant claims to have been at the time(s) in question and (b) the names, residential addresses, and places of

employment with the addresses thereof of every such alibi witness upon whom he intends to rely.

4. Pursuant to CPL 240.30(1), the People hereby demand that the defendant disclose and make available for inspection, photographing, copying, or testing:

(a) any written report or document, or portion thereof, concerning a physical or mental examination, or scientific test, experiment, or comparison, made by or at the request or direction of the defendant if the defendant intends to introduce such report or document at the trial of this action, or if the defendant has filed a notice of intent to proffer psychiatric evidence and such report or document relates thereto, or if such report or document was made by a person other than the defendant whom the defendant intends to call as a witness at the trial of this action; and

(b) any photograph, drawing, tape, or other electronic recording which the defendant intends to introduce at the trial of this action.

Dated: Kingston New York
April 14, 2015

DAVID M. HOOVLER
DISTRICT ATTORNEY OF ORANGE COUNTY
As Special Prosecutor
40 Matthews Street
Goshen, N. Y. 10924

To: Gerald L. Shargel, Esq.
Attorney for Defendant

No. 45-15

Dated APRIL 14, 2015

COUNTY OF ULSTER

FILED COUNTY CT. 4/14/2015

COUNTY

THE PEOPLE

against

GILBERTO A. NUNEZ

INDICTMENT

GRAND LARCENY IN THE THIRD DEGREE
PL 155.35[1]; INSURANCE FRAUD IN THE
THIRD DEGREE PL 176.20
FALSIFYING BUSINESS RECORDS IN THE
FIRST DEGREE PL 175.10 (5 counts)

DAVID M. HOOVLER
Orange County District Attorney
as Special Prosecutor

A TRUE BILL


Foreman of the Grand Jury

STATE OF NEW YORK
COUNTY COURT : COUNTY OF ULSTER

-----X
THE PEOPLE OF THE STATE OF NEW YORK

-against-

ORDER OF BAIL
CPL §530.40

Gilberto A. Nunez

Defendant.

Ind No.: 45-15

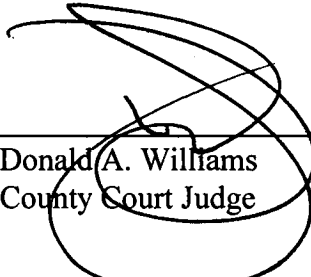
-----X

The above named defendant having appeared before this Court upon the charges of Grand Larceny in the Third Degree, Insurance Fraud in the Third Degree and Falsifying Business Records in the First Degree (5 counts) , and this Court having determined that it is necessary to issue an Order of Bail pursuant to Criminal Procedure Law §530.40, and upon the arguments heard and due deliberation having been had thereon, it is

ORDERED, that bail for the release of the above named defendant be fixed in the amount of \$15,000.00 cash or \$30,000 bond, and it is further,

ORDERED, that since the defendant is not currently incarcerated, the Ulster County Clerk shall accept the above specified cash bail or bond.

Dated: April 15, 2015



Donald A. Williams
County Court Judge

FILED
H M

APR 15 2015

Nina Postupack
Ulster County Clerk

STATE OF NEW YORK
COUNTY COURT

COUNTY OF ULSTER

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

DECISION AND ORDER
Indictment No. 2015-45

GILBERTO A. NUNEZ,

Defendant.

Appearances:

For the People: David M. Hoovler, Orange County District Attorney and
Special Prosecutor, by Maryellen Black Albanese,
Assistant District Attorney

For the Defendant: Evan Lipton, Esq.

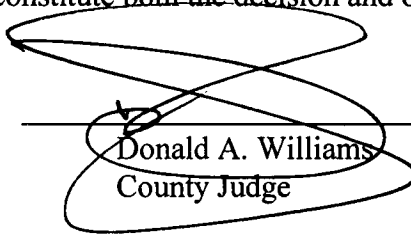
WILLIAMS, J.

By Stipulation in Lieu of Motions dated May 12, 2015, the People and the defendant agree that the Grand Jury minutes will be reviewed by this Court to determine the legal sufficiency of the evidence to support the indictment and/or the adequacy of the legal instructions to the Grand Jury.

Pursuant to the Stipulation the Court has conducted an in camera inspection of the Grand Jury minutes and finds the evidence before the Grand Jury legally sufficient to support the offenses charged. The Court further finds that the instructions to the Grand Jury were adequate and complete. Dismissal of the indictment is denied.

The foregoing shall constitute both the decision and order of this Court.

Dated: June 3, 2015



Donald A. Williams
County Judge

FILED
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JUN 12 2015

NINA POSTUPACK
ULSTER COUNTY CLERK

ULSTER COUNTY COURT
COURT CLERK - MINUTE/DISPOSITION SHEET

People of the State of New York

-against-

Gilberto Nunez

FILED

H M

MAR 23 2017

NINA POSTUPACK
ULSTER COUNTY CLERK

Indictment No. 2015-045

ARRAIGNMENT: Date 4/15/15 Judge Williams
 Defense Atty E. LIPTON DA M. ALBANESE SP
 Plea: _____ Guilty Not Guilty (see plea below)
 Steno D. Meo Clerk J. Kawachuk

TRIAL: Date(s) 10/17/16-10/25/16 Judge William
 Defense Atty E. LIPTON DA M. ALBANESE SP
 Verdict Guilty/PLED CTS
 Steno D. Meo / Schenk Clerk J. Kawachuk

PLEA: Date: _____ Judge _____
 Defense Atty: _____ DA _____
 Plea _____
 Steno _____ Clerk _____

SENTENCE: Date: 2/7/17 Judge William
 Defense Atty E. LIPTON DA M. Albanese
 Sentence: C#1 - 1-3 years, 9420 Rest (PD), 50 DNA
C#2 - 1-3 years, C#3 - 1-3 years, C#4 - 1.31 year
C#5 - 1-3 years, C#6 - 1-3 years, C#7 1.3 year
All counts concurrent But convert to
2015-093
 Steno S. Cheng Clerk J. Kawachuk

UNIFORM SENTENCE & COMMITMENT

UCS-854 (8/2010)

STATE OF NEW YORK
County Ulster
COURT, COUNTY OF DONALD A. WILLIAMS

Court Part: ULSTER
Court Reporter: SHARON CHERNY
Superior Ct. Case #: IND. 2015-045

The People of the State of New York
-vs-
GILBERTO A. NUNEZ
Defendant
Male 04/19/1967
SEX D.O.B. NYSID NUMBER CRIMINAL JUSTICE TRACKING NUMBER

Accusatory Instrument Charge(s): Law/Section & Subdivision:
1 GRAND LARCENY 3RD PL-155.35-01
2 INSURANCE FRAUD 3RD PL-176.20
3 FALS BUS RECS 1ST (CTS 3-7) PL-175.10
Date(s) of Offense: 6/6, 2/21, 2/23, 5/19, 5/28/14
To DOA: 04/15/2015

THE ABOVE NAMED DEFENDANT HAVING BEEN CONVICTED BY [PLEA OR VERDICT], THE MOST SERIOUS OFFENSE BEING A [FELONY OR MISDEMEANOR OR VIOLATION], IS HEREBY SENTENCED TO:

Table with columns: Crime, Count No., Law Section and Subdivision, SMF, Hate or Terror, Minimum Term, Maximum Term, Definite/Determinate, Post-Release Supervision. Includes crimes like GRAND LARCENY 3RD, INSURANCE FRAUD 3RD, FALS BUS RECS 1ST.

- ** NOTE: For each DETERMINATE SENTENCE imposed, a corresponding period of POST-RELEASE SUPERVISION MUST be indicated [PL § 70.45].
[X] Counts 1-7 shall run CONCURRENTLY with each other
[X] Sentence imposed herein shall run CONCURRENTLY with ... and/or CONSECUTIVELY to ...
[] Sentence imposed herein shall run CONSECUTIVELY to a ... term of ...
[] Conviction includes: WEAPON TYPE: ... and/or DRUG TYPE: ...
[] Charged as a JUVENILE OFFENDER—age at time crime committed: ... years
[] Adjudicated a YOUTHFUL OFFENDER [CPL § 720.20]
[] Execute as a sentence of PAROLE SUPERVISION [CPL § 410.91]
[] Re-sentenced as a PROBATION VIOLATOR [CPL § 410.70]
[] Court certified the Defendant a SEX OFFENDER [Cor. L § 168-d]
[] CASAT ordered [PL § 60.04(6)]
[] SHOCK INCARCERATION ordered [PL § 60.04(7)]

As a: [] Second [] Second Violent [] Second Drug [] Second Drug w/prior VFO [] Predicate Sex Offender [] Predicate Sex Offender w/prior VFO [] Second Child Sexual Assault [] Persistent [] Persistent Violent FELONY OFFENDER
Paid Not Paid Deferred—court must file written order [CPL § 420.40(5)]
Mandatory Surcharge \$ WAIVED
Fine \$
DNA Fee \$ 50.00
DWI/Other: \$
Crime Victim Assistance Fee \$ WAIVED
Restitution \$ 9,420.00
Sex Offender Registration Fee \$
Supplemental Sex Off. Victim Fee \$

THE SAID DEFENDANT BE AND HEREBY IS COMMITTED TO THE CUSTODY OF THE:
[] NYS Department of Correctional Services (NYSDOCS) until released in accordance with the law, and being a person sixteen (16) years or older not presently in the custody of NYSDOCS (the County Sheriff) (New York City Dept. Of Correction) is directed to deliver the defendant to the custody of NYSDOCS as provided in 7 NYCRR Part 103.
[] NYSDOCS until released in accordance with the law, and being a person sixteen (16) years or older and is presently in the custody of NYSDOCS, said defendant shall remain in the custody of the NYSDOCS.
[] NYS Office of Children and Family Services in accordance with the law being a person less than sixteen (16) years of age at the time the crime was committed.
[] Ulster County Jail/Correctional Facility

TO BE HELD UNTIL THE JUDGMENT OF THIS COURT IS SATISFIED.

REMARKS: \$50 DNA FEE TO BE PAID FROM INMATE ACCT.
\$9,420 RESTITUTION IS PAID.

FILED
H M
MAR 23 2017

Commitment, Order of Protection & Pre-Sentence Report received by Correctional Authority as indicated:
Official Name
Shield No.

Pre-Sentence Investigation Report Attached: [] YES [X] NO [] Amended Commitment
Order of Protection Issued: [] YES [X] NO Original Sentence Date 02/07/2017
Order of Protection Attached: [] YES [X] NO

02/16/2017 T. GOOD by: [Signature] Senior Court Office Assistant
Date Clerk of the Court Signature Title

