COUNTY COURT: COUNTY OF SUFFOLK

THE PEOPLE OF THE STATE OF NEW YORK

I N D I C T M E N T

- against –

BARRY ZORNBERG AND
NANCI HIRSCH AKA NANCI ZORNBERG

CASE NO.: I-773A-2013
I-773B-2013

Defendants.

COUNT ONE	SCHEME TO DEFRAUD IN THE FIRST DEGREE PL 190.65(1)(B) E FELONY AS TO BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG
COUNT TWO	FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE PL 175.10 E FELONY AS TO BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG
COUNT THREE	FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE PL 175.10 E FELONY AS TO BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG
COUNT FOUR	FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE PL 175.10 E FELONY AS TO BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG

_____
FOREPERSON

_____
ASSISTANT FOREPERSON

THOMAS J. SPOTA
DISTRICT ATTORNEY
SUFFOLK COUNTY

GRAND JURY 1D
TERM III
FEBRUARY 25/MARCH 22, 2013

COUNT ONE

THE GRAND JURY OF SUFFOLK COUNTY, by this Indictment, accuses the defendants **BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG** of the crime of **SCHEME TO DEFRAUD IN THE FIRST DEGREE**, in violation of Section 190.65(1)(b) of the Penal Law of the State of New York, committed as follows:

The said defendants, on or about or between December 31, 2007 and June 19, 2008, at locations including 1775 Expressway Drive North, Hauppauge, Suffolk County, New York, did, with intent to defraud more than one person, personally or acting in concert with another, engage in a systematic ongoing course of conduct to obtain mortgage loan proceeds from financial institutions using fraudulent documentation. In the course of this systematic, ongoing course of conduct, the defendants obtained, personally or acting in concert with another, property with a value in excess of one thousand dollars from National City Mortgage.

COUNT TWO

THE GRAND JURY OF SUFFOLK COUNTY, by this Indictment, accuses the defendants **BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG** of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The said defendants, on or about or between May 28, 2008 and May 29, 2008, at locations including 1775 Expressway Drive North, Hauppauge, Suffolk County, New York, with intent to defraud including an intent to commit another crime or to aid or conceal the commission of another crime, personally or acting in concert with another, falsified the business records of National City Mortgage, by causing a false entry to Nanci Zornberg's residential mortgage loan file, to wit a false HUD-1 Settlement Statement relating to her purchase of 2683 South Saint Marks Avenue, Bellmore, New York.

COUNT THREE

THE GRAND JURY OF SUFFOLK COUNTY, by this Indictment, accuses the defendants **BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG** of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The said defendants, on or about May 8, 2008, at locations including 1775 Expressway Drive North, Hauppauge, Suffolk County, New York, with intent to defraud including an intent to commit another crime or to aid or conceal the commission of another crime, personally or acting in concert with another, falsified the business records of National City Mortgage, by causing a false entry to Nanci Zornberg's residential mortgage loan file, to wit a false contract of sale relating to her purchase of 2683 South Saint Marks Avenue, Bellmore, New York.

COUNT FOUR

THE GRAND JURY OF SUFFOLK COUNTY, by this Indictment, accuses the defendants **BARRY ZORNBERG AND NANCI HIRSCH AKA NANCI ZORNBERG** of the crime of **FALSIFYING BUSINESS RECORDS IN THE FIRST DEGREE**, in violation of Section 175.10 of the Penal Law of the State of New York, committed as follows:

The said defendants, on or about or between February 29, 2008 and March 4, 2008, at locations including 1775 Expressway Drive North, Hauppauge, Suffolk County, New York, with intent to defraud including an intent to commit another crime or to aid or conceal the commission of another crime, personally or acting in concert with another, falsified the business records of Flagstar Bank, by causing a false entry to Barry Zornberg's and Nanci Hirsch's aka Nanci Zornberg's residential mortgage loan file, to wit a false HUD-1 Settlement Statement relating to their purchase of 368 Frankel Boulevard, Merrick, New York.

COUNTY COURT: COUNTY OF SUFFOLK

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THE PEOPLE OF THE STATE OF NEW YORK,

- against -

BARRY ZORNBERG,

Defendant.

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NOTICE AND DEMAND
CASE NO.: I-773A-2013
NOTICE PURSUANT TO CPL SECTION 710.30
DEMAND PURSUANT TO CPL SECTION 250.20

S I R / M A D A M :

PLEASE TAKE NOTICE that the People intend to offer at a trial of the above entitled action, statement(s) by and/or identification(s) of the defendant contained in or attached to the accusatory instrument or otherwise specified below (times approximate):

☐ Evidence of oral statement(s) made by the defendant to a public servant(s); the sum and substance of statement(s) is hereby set forth as follows and/or is contained within the accusatory instrument:

DATE: Time: Place:

Sum and Substance:_____

☐ ADDITIONAL statement(s) made by the defendant is/are outlined on page two of this form.

☐ Evidence of a video recording of the defendant's statement(s) to public servant(s) subsequent to his arrest. A copy of said recording has been provided.

DATE: Time: Place:

☐ Evidence of a written statement(s) made by the defendant to public servant(s); a copy of said written statement(s) is attached hereto and/or is attached to the accusatory instrument:

DATE: Time: Place:

☐ Testimony regarding an observation of the defendant at the time or place of the commission of the offense and/or upon some other occasion relevant to the case, such testimony to be given by a witness who has previously identified the defendant at an identification procedure. [The "No. of Witnesses" refers to number of witnesses making a positive identification]: The procedure utilized was:

☐Showup:	Date:	Place:	No. of Witnesses:
☐Photo Identification:	Date:	Place:	No. of Witnesses:
☐Lineup:	Date:	Place:	No. of Witnesses:
☐Other:	Date:	Place:	No. of Witnesses:

PLEASE TAKE FURTHER NOTICE that if the defendant intends to offer, for any purpose, whatever testimony that he, at the time of the commission of the crime charged, was at some place or places other than the scene of the crime and he intends to call witnesses in support of such defense, he must, within eight days of service of such demand, serve upon the People, and file a copy thereof with the Court, a "Notice of Alibi" reciting (a) the place or places where the defendant claims to have been at the time in question, and (b) the names, the residential addresses, the places of employment, and the addresses thereof of every such alibi witness upon whom he intends to rely.

DATED: March 22, 2013
Riverhead, New York

Yours etc.,

THOMAS J. SPOTA
District Attorney
Suffolk County

COUNTY COURT: COUNTY OF SUFFOLK

----------X

THE PEOPLE OF THE STATE OF NEW YORK,

- against -

NANCI HIRSCH AKA NANCI ZORNBERG,

Defendant.

----------X

NOTICE AND DEMAND
CASE NO.: I-773B-2013
NOTICE PURSUANT TO CPL SECTION 710.30
DEMAND PURSUANT TO CPL SECTION 250.20

S I R / M A D A M :

PLEASE TAKE NOTICE that the People intend to offer at a trial of the above entitled action, statement(s) by and/or identification(s) of the defendant contained in or attached to the accusatory instrument or otherwise specified below (times approximate):

☐ Evidence of oral statement(s) made by the defendant to a public servant(s); the sum and substance of statement(s) is hereby set forth as follows and/or is contained within the accusatory instrument:

DATE: Time: Place:

Sum and Substance:

☐ ADDITIONAL statement(s) made by the defendant is/are outlined on page two of this form.

☐ Evidence of a video recording of the defendant's statement(s) to public servant(s) subsequent to his arrest. A copy of said recording has been provided.

DATE: Time: Place:

☐ Evidence of a written statement(s) made by the defendant to public servant(s); a copy of said written statement(s) is attached hereto and/or is attached to the accusatory instrument:

DATE: Time: Place:

☐ Testimony regarding an observation of the defendant at the time or place of the commission of the offense and/or upon some other occasion relevant to the case, such testimony to be given by a witness who has previously identified the defendant at an identification procedure. [The "No. of Witnesses" refers to number of witnesses making a positive identification]: The procedure utilized was:

☐ Showup:	Date:	Place:	No. of Witnesses:
☐ Photo Identification:	Date:	Place:	No. of Witnesses:
☐ Lineup:	Date:	Place:	No. of Witnesses:
☐ Other:	Date:	Place:	No. of Witnesses:

PLEASE TAKE FURTHER NOTICE that if the defendant intends to offer, for any purpose, whatever testimony that he, at the time of the commission of the crime charged, was at some place or places other than the scene of the crime and he intends to call witnesses in support of such defense, he must, within eight days of service of such demand, serve upon the People, and file a copy thereof with the Court, a "Notice of Alibi" reciting (a) the place or places where the defendant claims to have been at the time in question, and (b) the names, the residential addresses, the places of employment, and the addresses thereof of every such alibi witness upon whom he intends to rely.

DATED: March 20, 2013
Riverhead, New York

Yours etc.,

THOMAS J. SPOTA
District Attorney
Suffolk County