

**United States District Court
District of Nevada (Las Vegas)
CRIMINAL DOCKET FOR CASE #: 2:09-cr-00291-RLH-PAL-1**

Case title: USA v. Milanowski

Date Filed: 07/21/2009

Assigned to: Chief Judge Roger L. Hunt
Referred to: Magistrate Judge Peggy A.
Leen

Defendant (1)

Joseph D Milanowski

represented by **Dayvid J. Figler**
Bailus Cook & Kelesis
400 South 4th Street, 3rd Floor
Las Vegas, NV 89101
702-737-7712
Email: law@bckltd.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

George P Kelesis
Bailus Cook & Kelesis, Ltd.
400 So. 4th Street
Suite 300
Las Vegas, NV 89101
(702) 737-7702
Fax: (702) 737-7712
Email: gkelesis@bckltd.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Mark B Bailus
Bailus Cook & Kelesis, Ltd.
400 So. 4th Street
Suite 300
Las Vegas, NV 89101
(702) 737-7702
Fax: (702) 737-7712
Email: law@bckltd.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Retained

Pending Counts

18:1343 - Wire Fraud

Disposition

(1)

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition

Highest Offense Level (Terminated)

None

Complaints

None

Disposition

Plaintiff

USA

represented by **Daniel Schiess**
 U.S. Attorney's Office
 333 Las Vegas Blvd So
 Suite 5000
 Las Vegas, NV 89101-
 (702) 388-6336
 Email: dan.schiess@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Roger Yang
 U.S. Attorney's Office
 333 Las Vegas Blvd. South
 Las Vegas, NV 89101
 (702) 388-6336
 Email: Roger.Yang@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/21/2010	30	TRANSCRIPT of Proceedings, 29 Order on Motion for Departure,,,,,,, Order on Motion to Continue District Judge Hearing,,,,,,, Sentencing,,,,,, as to Joseph D Milanowski held on 4/9/2010 before Chief Judge Roger L. Hunt. Court Reporter: Heather Newman, 702-464-5828. Transcript may be viewed at the court public terminal or purchased through the Court Reporter using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. Redaction Request due 5/12/2010. Redacted Transcript Deadline set

		for 5/22/2010. Release of Transcript Restriction set for 7/20/2010. (HKN) (Entered: 04/21/2010)
04/09/2010	29	<p>MINUTES OF PROCEEDINGS - Sentencing and Disposition as to Joseph D Milanowski held on 4/9/2010 before Chief Judge Roger L. Hunt. Crtrm Administrator: <i>Kandy Capozzi</i>; AUSA: <i>Roger Yang</i>; <i>Daniel Schiess</i>; Def Counsel: <i>Dayvid Figler</i>; <i>Mark Bailus</i>; USPO: <i>Wendy Beckner</i>; Court Reporter/FTR #: <i>Heather Newman</i>; Time of Hearing: 9:00 AM; Courtroom: 6C;</p> <p>Defendant is present. Defendant's Motion to Continue 28 is DENIED. The Court comments on Defendant's Sentencing Memorandum. The Objections to the Presentence Report are Overruled: the objections are untimely, were not provided to the Probation Officer and further, the Court finds they are without merit.</p> <p>The Court notes that a voluminous number of letters from victims and from defendant's supporters have been received and read. Three victims and two Bankruptcy Trustees speak. The Court hears counsel's representations. The Defendant addresses the Court.</p> <p>The Court enters findings on the record. The Government's Motion for Departure 24 is granted to the extent that the Court accepts the Binding Plea Agreement. Therefore, Defendant's guilty plea is formally accepted. Sentence is imposed accordingly as to Count One of the Information. Defendant is advised of right to file an appeal, to the extent he has not previously waived those rights. Defendant is allowed to self surrender by 12:00 PM on 8/6/2010. Bond to be automatically exonerated upon written notification by the U.S. Marshal that the defendant has self surrendered as ordered.</p> <p>IT IS ORDERED the Defendant's conditions of release pending self surrender are modified to add the following condition: The Defendant shall fully cooperate with the Government, attorneys, bankruptcy creditors and other officials in money-recovery efforts. (Copies have been distributed pursuant to the NEF - KMC) (Entered: 04/09/2010)</p>
04/06/2010	28	Second MOTION to Continue <i>Sentencing</i> by Joseph D Milanowski. Motion ripe 4/6/2010. (Figler, Dayvid) Modified on 4/9/2010 (LMC). (Entered: 04/06/2010)
04/06/2010	27	SUPPLEMENT by Joseph D Milanowski to <i>Sentencing Memorandum</i> . (Figler, Dayvid) Modified to remove duplicate wording on 4/9/2010 (LMC). (Entered: 04/06/2010)
04/06/2010	26	ERRATA to <i>Sentencing Memorandum, Letters of Recommendations and Objections</i> filed by Joseph D Milanowski. (Figler, Dayvid) (Entered: 04/06/2010)
04/05/2010	25	SENTENCING MEMORANDUM by Joseph D Milanowski. (Attachments: # 1 Exhibit Exhibit A, # 2 Exhibit Exhibit B, # 3 Exhibit Exhibit C, # 4 Exhibit Exhibit D, # 5 Exhibit Exhibit D - 1, # 6 Exhibit Exhibit F)(Figler, Dayvid) (Entered: 04/05/2010)
04/05/2010	24	MOTION for Departure by USA as to Joseph D Milanowski. Motion ripe 4/5/2010. (Yang, Roger) (Entered: 04/05/2010)

04/05/2010	23	SENTENCING MEMORANDUM by USA as to Joseph D Milanowski. (Yang, Roger) (Entered: 04/05/2010)
01/15/2010	22	<p>MINUTES OF PROCEEDINGS - Re-Opened Change of Plea Hearing as to Joseph D Milanowski held on 1/15/2010 before Chief Judge Roger L. Hunt. Crtrm Administrator: <i>Kandy Capozzi</i>; AUSA: <i>Daniel Schiess</i>; <i>Roger Yang</i>; Def Counsel: <i>Dayvid Figler</i>; USPO: <i>Wendy Beckner</i>; <i>Michael Mastrangiolo</i>; Court Reporter/FTR #: <i>Heather Newman</i>; Time of Hearing: <i>9:00 AM</i>; Courtroom: <i>6C</i>;</p> <p>Defendant is present. This hearing was re-opened so that victims could also be present.</p> <p>The Court notes it has read almost all the voluminous number of letters received from victims. The Court requests clarification regarding the extent to which the Court would be bound if the binding plea agreement is accepted. Mr. Schiess explains and also clarifies that any 5K recommendation would not be binding on the Court.</p> <p>The Court gives the victims an overview as to how criminal cases progress through the Court system.</p> <p>Victims are permitted to address the Court and representations are made by counsel.</p> <p>The Court inquires what the amount of the potential recovery is and how long the process will take. Once that is known, the victims can decide whether it is in their best interest for the Court to encourage the continued cooperation of Mr. Milanowski in the various lawsuits, or whether they would rather have the Court sentence him and receive a sense that justice is taking place.</p> <p>Accordingly, the Court conditionally accepts the plea with a representation to the Defendant that the Court currently is not inclined to follow the recommendations of the Plea Agreement, but acceptance is not precluded if the Court can be convinced that is the appropriate action. Defense and Government counsel will be permitted to present any additional information that the Court should consider. If the Court determines prior to sentencing that it absolutely will not follow the recommendation, the parties will be advised and will make that decision known to the victims. An alternate course of action would then be determined.</p> <p>Sentencing and disposition continued to 4/9/2010 09:00 AM in LV Courtroom 6C before Chief Judge Roger L. Hunt. (no image attached) (Copies have been distributed pursuant to the NEF - KMC) (Entered: 01/20/2010)</p>
01/08/2010	21	ORDER Granting in part and Denying in part 20 Motion to Continue District Judge Hearing as to Joseph D Milanowski. The change of plea hearing will proceed as scheduled on 1/15/10 at 9:00 am. The motion is granted as to the sentencing, which will be scheduled depending on the outcome of the change-of-plea hearing. Signed by Chief Judge Roger L. Hunt on 1/8/10. (Copies have been distributed pursuant to the NEF - EDS) (Entered: 01/08/2010)
12/23/2009	20	MOTION to Continue <i>Sentencing/Change of Plea</i> by Joseph D Milanowski. Motion ripe 12/23/2009. (Bailus, Mark) Modified to remove duplicate wording on 1/8/2010 (LMC). (Entered: 12/23/2009)
10/15/2009	19	ORDER Granting 18 Stipulation to Continue Sentencing. Sentencing and motion for exemption from restrictions, Hearing is hereby continued to

		1/15/2010 09:00 AM in LV Courtroom 6C before Chief Judge Roger L. Hunt. NO FURTHER CONTINUATIONS WILL BE GRANTED.. Signed by Chief Judge Roger L. Hunt on 10/15/2009. (Copies have been distributed pursuant to the NEF - SD) (Entered: 10/15/2009)
10/09/2009	18	STIPULATION to Continue Sentencing and Findings of Fact, Conclusions of Law, and Order by Joseph D Milanowski. (Bailus, Mark) (Entered: 10/09/2009)
10/02/2009	17	<p>MINUTES OF PROCEEDINGS - Procedural Status Conference as to Joseph D Milanowski held on 10/2/2009 before Chief Judge Roger L. Hunt. Crtrm Administrator: <i>Kandy Capozzi</i>; AUSA: <i>Daniel Schiess</i>; <i>Roger Yang</i>; Def Counsel: <i>Mark Bailus</i>; <i>Dayvid Figler</i>; Court Reporter/FTR #: <i>Heather Newman</i>; Time of Hearing: 9:00 AM; Courtroom: 6C; Defendant is not present.</p> <p>Upon receipt of the request to reopen the change of plea hearing, the Court set this hearing to determine what procedures will be followed.</p> <p>The Government's intent was to reopen the change of plea hearing for the purpose of allowing the victims to speak and then to proceed with the sentencing. Defense agrees.</p> <p>Defense counsel advises that objections were filed to the Presentence Report and the amended PSR is ready for pickup today. Arrangements will be made for the Court to receive a copy.</p> <p>The Court inquires if it is bound under the plea agreement to follow a recommendation that could potentially be made in a 5K1 motion. Mr. Schiess clarifies the nature of the plea agreement in regards to a 5K motion.</p> <p>At Sidebar: IT IS HEREBY ORDERED the plea agreement shall be unsealed.</p> <p>The Government will send out notices to all the victims and determine how many wish to speak at the reopened plea hearing/sentencing and research the Crime Victims Rights Act as to what protocols or procedures should be followed. The matter will remain on calendar October 23, 2009 as previously scheduled. (no image attached) (Copies have been distributed pursuant to the NEF - KMC) (Entered: 10/06/2009)</p>
09/25/2009	16	ORDER Granting 13 Motion for Alternative Victim Notification Procedures as to Joseph D Milanowski (1). Signed by Chief Judge Roger L. Hunt on 9/24/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/25/2009)
09/25/2009	15	ORDER Granting 12 Motion to Reopen Change of Plea Hearing as to Joseph D Milanowski (1). (Change of Plea Hearing set for 10/23/2009 09:00 AM in LV Courtroom 6C before Chief Judge Roger L. Hunt.) Signed by Chief Judge Roger L. Hunt on 9/24/09. (Copies have been distributed pursuant to the NEF - ASB) (Entered: 09/25/2009)
09/24/2009	14	MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Roger L. Hunt, as to Joseph D Milanowski. A Procedural Status Hearing is set for 10/2/2009 at 09:00 AM in LV Courtroom 6C before Chief Judge Roger L. Hunt. (no image attached) (Copies have been distributed pursuant to the NEF - ZSG, Judicial Assistant) (Entered: 09/24/2009)

09/04/2009	13	MOTION <i>For Alternative Notification Procedure</i> by USA as to Joseph D Milanowski. Responses due by 9/18/2009. (Yang, Roger) (Entered: 09/04/2009)
09/04/2009	12	MOTION <i>To Reopen Change of Plea Hearing</i> by USA as to Joseph D Milanowski. Responses due by 9/18/2009. (Yang, Roger) (Entered: 09/04/2009)
08/24/2009	11	TRANSCRIPT of Proceedings, 9 Arraignment/Plea - Waiver of Indictment/Venue as to Joseph D Milanowski held on August, 4, 2009 before Chief Judge Roger L. Hunt. Court Reporter/Transcriber: NW Transcripts, LLC, 208-466-4148. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber using the court's "Transcript Order" form available on our website www.nvd.uscourts.gov before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 9/14/2009. Redacted Transcript Deadline set for 9/24/2009. Release of Transcript Restriction set for 11/22/2009. (SLR) (Entered: 08/24/2009)
08/06/2009	10	(1st Notice) PURSUANT TO SPECIAL ORDER 109: that Dayvid J Figler is in violation of Special Order 109. Participation in the electronic filing system became mandatory for all attorneys effective January 1, 2006. You are required to register for the Courts Case Management and Electronic Case Filing (CM/ECF) program and the electronic service of pleadings. Please visit the Courts website www.nvd.uscourts.gov , then select CM/ECF Info, to register the Attorney(s). (no image attached) (RFJ) (Entered: 08/06/2009)
08/04/2009	9	MINUTES OF PROCEEDINGS -Initial Appearance; Waiver of Indictment; Arraignment & Plea as to Joseph D Milanowski held on 8/4/2009 before Chief Judge Roger L. Hunt. Crtrm Administrator: <i>Kandy Capozzi</i> ; AUSA: <i>Russell Marsh</i> ; <i>Roger Yang</i> ; Def Counsel: <i>Mark Bailus</i> ; <i>Dayvid Figler</i> ; PTS: <i>Jim Kingera</i> ; <i>Alison McCurdy</i> ; Court Reporter/FTR #: <i>Denise Saavedra</i> ; Time of Hearing: <i>2:00 PM</i> ; Courtroom: <i>6D</i> ; Defendant is present. Defense counsel retained. Designation of Retained Counsel filed. Defendant and counsel execute and file a Waiver of Indictment. The Information is filed. Defendant pleads GUILTY to count(s) 1 of the Information. Binding Plea Agreement filed under <i>seal</i> . Court accepts the guilty plea. This matter is referred to the probation department for investigation and report. Defendant is released on a Personal Recongnizance Bond. Sentencing and disposition set for 10/23/2009 09:00 AM in LV Courtroom 6C before Chief Judge Roger L. Hunt. (no image attached) (Copies have been distributed pursuant to the NEF - KMC) (Entered: 08/04/2009)
08/04/2009	6	SEALED PLEA MEMORANDUM as to Joseph D Milanowski. (SD) Modified to unseal per #17 on 10/6/2009 (LMC). (Entered: 08/04/2009)
08/04/2009	5	DESIGNATION of Retained Counsel and Appearance Praecipe. Mark B Bailus, George P Kelesis, and Dayvid J Figler retained as counsel for Joseph D Milanowski in this case. (Copies have been distributed pursuant to the NEF - SD) (Entered: 08/04/2009)
08/04/2009	4	AO 257 to 3 Information - Felony as to Joseph D Milanowski. (SD) (Entered: 08/04/2009)

		08/04/2009)
08/04/2009	3	INFORMATION as to Joseph D Milanowski (1) Count 1. (SD) (Entered: 08/04/2009)
08/04/2009	2	WAIVER OF INDICTMENT by Joseph D Milanowski. (SD) (Entered: 08/04/2009)
07/23/2009	1	<p>MINUTE ORDER IN CHAMBERS of the Honorable Chief Judge Roger L. Hunt, as to Joseph D Milanowski on 7/23/2009. By Deputy Clerk: Kandy Capozzi. The Court, having received a Criminal Information and Plea Agreement, IT IS ORDERED that the hearing for Waiver of Indictment, Filing of an Information, Initial Appearance and Arraignment and Plea is scheduled on 8/4/2009 at 2:00 PM in LV Courtroom 6D before Chief Judge Roger L. Hunt. IT IS FURTHER ORDERED that the defendant shall contact the Pretrial Services Office not later than 24 hours prior to this hearing date if not previously interviewed.</p> <p><i>(Note: Courtroom location may be changed. See signs posted by elevators on the day of the hearing.) (no image attached)</i> (Copies have been distributed pursuant to the NEF - KMC) (Entered: 07/23/2009)</p>

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