COUNTY OF HERKIMER STATE OF NEW YORK
LITTLE FALLS CITY COURT

----------X

IN THE MATTER(S) OF:
THE PEOPLE OF THE STATE OF NEW YORK,

Plaintiff;

Docket Nos:
CR-00349-22

v.

JORDAN BORMANN,
Defendant.

----------X

DATE: **March 8, 2023 at 2:47 p.m.**
Sentencing

HELD: 659 East Main Street
Little Falls, NY 13365

BEFORE: **HON. SARAH M. BRINSKI, JUDGE**

APPEARANCES: **JEFFREY S. CARPENTER, ESQ.**
-Herkimer County District Attorney
-For the People

PHILLIP D. O'DONNELL, ESQ.
-Attorney for Mr. Bormann

ALSO PRESENT: **Jordan Bormann**

Digitally Recorded Proceeding Transcribed by:
SUSAN L. PELLEGRINI, 518 COURT TRANSCRIPTION
Ph. (518) 598-9710

THE COURT: Ok. We're here on file CR-00349-22, People v. Jordan Bormann. Mr. Bormann, is that you?

MR. BORMANN: Yeah.

THE COURT: Ok. Mr. Carpenter?

MR. CARPENTER: Your Honor, I would move to amend the felony to the Misdemeanor of Assault in the 3rd Degree. It's my understanding defendant's going to enter a plea of guilty to that. The People have proposed a two-year period of probation, an order of protection and restitution, if any, subject to a hearing, if requested by the defendant.

THE COURT: Mr. O'Donnell, is that your understanding?

MR. O'DONNELL: Yes, Judge.

THE COURT: You're all set.

MR. CARPENTER: Thank you.

THE COURT: Ok, sir, have you heard the plea that's been placed on the record?

MR. BORMANN: Yes.

COURT CLERK: So that would be pleading to the Misdemeanor of Assault in the 3rd Degree, correct? Is this a full stay away? Full stay away OP?

MR. CARPENTER: Yes. And probation was two years.

COURT CLERK: Yep, I got that.

MR. O'DONNELL: Bye, thank you.

THE COURT: Bye. Two years' probation, is that right?

COURT CLERK: Yes.

THE COURT: Ok, Mr. Bormann, have you spoken with your attorney about your case and about pleading guilty to Assault 3rd?

MR. BORMANN: Yes.

THE COURT: Ok. And do you understand the consequences of doing so?

MR. BORMANN: Yes.

THE COURT: Ok. Do you understand that by pleading guilty, you waive your right to have a trial on this matter?

MR. BORMANN: Yes.

THE COURT: Ok. Do you understand the consequences or the sentence which will be two years probation, an order of protection protecting the victim in this matter, you'll have a fine in the amount of $100 with a surcharge of $200 and a DNA fee of $50. So, that will bring the total of $250.

MR. BORMANN: Wait, what was all those charges for again?

THE COURT: So, you have a fine for $100.

MR. BORMANN: Ok, yep.

THE COURT: There's a court surcharge, which is set by law, for $200. Ok? And then there's a DNA fee, which is also set by law, for $50.

MR. BORMANN: What's the DNA fee for?

THE COURT: So, you have to have your DNA taken… is that at the Police Department next door?

COURT CLERK: Yes.

THE COURT: And that's the charge for that. Any misdemeanor charge you have to submit to a swab for DNA.

MR. BORMANN: Ok.

THE COURT: You understand that?

MR. BORMANN: Yeah.

THE COURT: Ok. So, the total amount is not due today.

MR. BORMANN: I can just pay it today.

THE COURT: You can?

MR. BORMANN: Yep.

THE COURT: Ok.

MR. BORMANN: I have taxes.

THE COURT: Ok. So, sir, are you agreeing to plea to 120.00 Assault 3rd?

MR. BORMANN: Yes.

THE COURT: Ok. And are you pleading guilty voluntarily of your own free will?

MR. BORMANN: Yes.

THE COURT: All right. The plea is acceptable to the Court. There's also the matter of restitution. If the victim does say that there is restitution due, which is you'd have to pay an amount for damages, you can have a hearing on that.

MR. BORMANN: Ok. That--

THE COURT: We don't have an amount now. I think they're going to contact the victim.

COURT CLERK: If the the victim comes forward.

THE COURT: Oh, if the victim comes forward and says that there's restitution then you can have a hearing on that. Ok?

MR. BORMANN: Ok.

THE COURT: All right.

MR. BORMANN: Can I set that in now saying if they do come forward, I do want a hearing on that? If they do.

THE COURT: Yeah.

MR. BORMANN: Ok.

THE COURT: Yeah. We'll automatically… that's an automatic thing.

MR. BORMANN: Ok.

THE COURT: Yeah. You have no objection to the order of protection as well?

MR. BORMANN: No, ma'am.

THE COURT: Ok. You're no longer neighbors, correct?

MR. BORMANN: No, ma'am and that's good.

THE COURT: Ok. We're all set, right?

(Whereupon this proceeding was adjourned at 2:56 p.m.)

CERTIFICATION

I, Susan L. Pellegrini, certify that the foregoing transcript in the Little Falls City Court, Herkimer County, in the Matter of The People v. Jordan Bormann, Docket No. CR-00349-22 was prepared using the required transcription equipment and is a true and accurate transcript of the recording.

Signature *Susan L. Pellegrini* (Electronic Signature)

518 Court Transcription
P.O. Box 11243
Albany, NY 12211
(518)598-9710

Date: May 31, 2023