

Novak lawyer argues for murder-verdict toss

Court closed during summation

BY LEONARD SPARKS
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MONTICELLO — The lawyer for convicted murderer Paul Novak is seeking to overturn the jury verdict because some people were temporarily barred from entering the courtroom during his summation.

Gary Greenwald called members of his staff and other witnesses during a Thursday hearing on his motion to vacate Novak's conviction. The one-time paramedic was found guilty of murdering his estranged wife in her Husten home in 2008 and then torching the house to conceal the crime.

During Greenwald's summation on Sept. 24, a court officer temporarily prevented anyone from entering the crowded courtroom. Among those left outside were two of his staff, said Green-

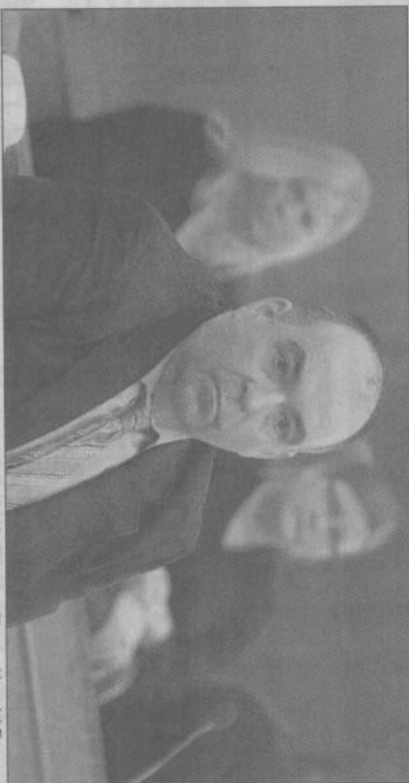
wald, who is arguing that the closure violated Novak's right to a public trial.

"The right to a public trial is sacrosanct," he said. "If the court doesn't vacate, then the court's absolutely wrong."

Novak was convicted on Sept. 27 of strangling Catherine Novak in her Lava home, setting the house on fire and then collecting hundreds of thousands of dollars in life insurance payments.

Sentencing had been scheduled for Thursday, but Greenwald filed a motion to vacate the conviction.

While the motion also cites alleged inconsistencies in the testimonies of prosecution witnesses and misconduct on the part of one juror, Thursday's arguments dealt solely with the inability of some people to get inside the courtroom at some point after



DAWN J. BENKO/For the Times Herald-Record
Paul Novak, convicted Sept. 27 of first-degree murder and other counts in his estranged wife's death, listens to testimony Thursday in court.

Greenwald began his summation.

To support his motion, Greenwald called a succession of witnesses. They included an executive assistant and a paralegal with his firm, Novak's sister and girlfriend, and two spectators, Ray Pantel and Carol Weathers. Donna Prevost, a paralegal,

told of being asked by a member of the defense team to take a recorder outside the courtroom to cue up testimony by a prosecution witness.

She said she was barred from re-entering by a court officer and had to wait outside for 45 minutes to an hour with as many as 10 other people.

"I attempted to open the door and a court officer said, 'Judge's orders, doors are locked,'" she said.

Sullivan County District Attorney Jim Farrell and former District Attorney Steve Lungen, who is assisting with the Novak case, called no witnesses. But both emphasized the large crowd already in the courtroom, as well as the media presence, including a video camera.

Farrell said Judge Frank Labuda's instructions that day included warning spectators about leaving and returning too often. He and Lungen also noted that people were allowed entry when Greenwald took a break.

"The facts are what the facts are with this issue," Farrell said. Labuda is expected to announce his ruling Friday. If he rejects the motion, Novak will be sentenced after the ruling.

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