

Families revile fate of victims

Sentencing of VA cancer specialist delayed, but loved ones of those who died in testing speak out in federal court session

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Paul H. Kornak, left, leaves the U.S. District Courthouse in Albany Thursday. (Cindy Schultz / Times Union)

ALBANY -- A cancer specialist who masqueraded as a doctor and took part in a massive drug research scandal at Stratton VA Medical Center faced the families of his victims in a federal courtroom Thursday, as he was made to hear their anguished pleas for justice and answers.

It was supposed to be the day that Paul H. Kornak would be sentenced to prison for falsifying patient records in order to enroll dozens of veterans in experimental drug programs.

Instead, and to the dismay of the families of his victims, a federal judge delayed the sentencing after last-minute arguments between a prosecutor and defense attorney over federal sentencing guidelines, which dictate how much time Kornak should spend behind bars. A judge told the attorneys to put their arguments in writing and rescheduled the sentencing for Sept. 13.

For the victims, it signaled another delay in a case that has been marred by allegations of cover-ups, and in which questions continue to swirl about whether Kornak acted alone or on orders from hospital supervisors.

But because the victims' relatives had traveled to Albany from as far away as Colorado, U.S. District Court Judge Frederick J. Scullin allowed them to speak. Four of them strode to the front of the courtroom one-by-one, some clutching photographs of their father, brother or husband, and whose deaths were hastened and made more excruciating after being infused with powerful experimental drugs.

Kornak, a married father from Clifton Park, had arrived at the courthouse early, sitting in the sprawling fourth-floor courtroom in a blue suit, alone, and without any relatives or friends present.

Mary Snavlin of Colorado spoke first, her hands trembling and voice cracking as she turned to Kornak, who sat straight in his chair with his eyes leveled at the victims who spoke.

Snavlin described her father, James J. DiGeorgio, who lived in Brunswick, as her "friend and protector." Kornak pleaded guilty to causing DiGeorgio's death, although prosecutors have said they believe there may have been more veterans who died as a result of the scandal.

"Mr. Kornak, I want to know why you did this," she said. "My dad deserved to die with dignity and respect and you took that away from him. ... All you have done was treat him like a guinea pig."

Snavlin and her uncle, Joseph, who is DiGeorgio's younger brother, said they had pleaded with Kornak and his former boss, Dr. James A. Holland, to remove DiGeorgio from the toxic drug program as his health deteriorated so rapidly he became unable to swallow the water they dripped into his mouth.

"The images of what this treatment will haunt me forever," Snavlin said, explaining that her father had served "20 years in the Air Force to protect the rights you enjoy."

Joseph DeGeorge, who spells his last name differently than his brother, recalled squaring off with Holland inside his brother's hospital room on the day he died. Holland, who has

not been charged with a crime but was identified as a target in the ongoing investigation, asked to put DiGeorgio on life support and continue his treatment, DeGeorge said.

"This guy was going against all my brother's wishes," DeGeorge said. "I didn't know what was going on. He couldn't function. He couldn't walk. He couldn't even sit there and watch a game with me."

In all, more than 50 veterans had their medical records forged or falsified, without their knowledge, in order to qualify them for drug research programs. Kornak contends he did it at the orders of Holland and others, allegedly because they wanted to keep the lucrative research programs thriving.

Jayne Steubing spoke next, placing a framed photograph of her husband, Carl, on a shelf facing Kornak as she described her husband's love of teaching, culture, music and his country.

Carl M. Steubing, who was living in Scotia when he died and taught music classes, abandoned college in 1942 to enlist in the Army. He fought in the brutal Battle of the Bulge and was awarded a Purple Heart and a Bronze Star for bravery, after leading his platoon to safety when their commanding officer was shot.

"Carl entrusted his life to you, and look what you did," Steubing said, sobbing as she began to speak. "You cast a black shadow over Carl's death. ... A real doctor would not have lied in order to torture."

Steubing and others were stunned several years ago when they learned, through media reports about an intensive criminal investigation unfolding at Stratton, that Kornak had never finished medical school. Around Stratton, Kornak had carried the title "doctor," including on his VA-issued business card, and treated patients as if he was a licensed physician.

"There's a lot more to this than just the gentleman sitting there," said Steubing's son, Kurt.

Kornak had faced the strong possibility of being whisked to prison Thursday, but will now wait a month to learn his fate. He pleaded guilty to fraud and criminally negligent homicide charges in January and faced up to 20 years on the most serious charge, mail fraud.

However, under federal sentencing guidelines, which take into account such things as a person's criminal history, their acceptance of responsibility and the number of victims, Kornak might face a sentence of only between 57 and 71 months in prison.

Anthony Mariano, Stratton's former pharmacy director, said he and Jeffrey Fudin, another Stratton pharmacist, went to the FBI six years ago to report allegations of widespread corruption at the embattled hospital.

But as early as 1995, they had warned that patients with cancer and other illnesses were being placed at risk -- or had died -- because of the way experimental drugs were being used. Patients also were enrolled in drug studies without signing consent forms indicating they had been informed about the risk, they said.

Instead of investigating the allegations, hospital administrators allegedly retaliated against the men and ended the pharmacy's role in monitoring research drugs, according to court records. Mariano eventually was forced out of his job and Fudin was fired, but later had his job reinstated by a federal court.

Both men attended Thursday's hearing, and were embraced by relatives of DiGeorgio and Steubing, who said they consider the pharmacists heroes.

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