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## Fla. woman wants her statements out of NY trial

Associated Press

WHITE PLAINS, N.Y. — A Florida woman accused of arranging the killings of her millionaire hotel heir husband and her mother-in-law is trying to prevent the prosecution from using her statements to police.

In a motion filed in federal court in White Plains, Nancy Novack claims the statements were made involuntarily during marathon interrogations after her husband's killing in 2009.

The motion does not quote or describe Novack's statements, but it says some of them were videotaped. Defense attorney Howard Tanner would not elaborate on the motion Friday.

Novack, of Fort Lauderdale, says she was deprived of bathroom breaks for more than seven hours and was not allowed to make phone calls.

"By the time she was offered food she was clearly unable to eat and repeatedly expressed a desire to kill herself," says the motion, which was filed Thursday.

It also says police should have advised Novack of her Miranda rights but did not.

Novack and her brother, Cristobal Veliz, of Brooklyn, are accused of directing the 2009 killings of her husband, Ben Novack Jr., and his mother, Bernice Novack, and hiring the killers. They have pleaded not guilty. At least two other people have been arrested in the case.

Ben Novack, 53, was beaten to death in his hotel room in suburban Rye Brook. Bernice Novack, 87, was killed in her Fort Lauderdale home.

Ben Novack's father built the Fontainebleau hotel in Miami Beach. Prosecutors say Nancy Novack had her husband killed to secure his \$10 million estate for herself. His mother's death, three months before his, added to his fortune.

The motion says Novack "acquiesced" under pressure to take a lie detector test. Previously disclosed police documents said that during a polygraph, Novack was "deceptive" about her knowledge of her husband's killing.

Rye Brook police Chief Greg Austin deferred to federal prosecutors. The U.S. attorney's office said it would respond with its own motion.

Novack's motion says prosecutors plan to introduce at trial statements she made to police at the hotel immediately after the killing on July 12 and 13, 2009, and videotaped statements she made at a police station on July 13.

The defense asks Judge Kenneth Karas to rule that Novack was in custody during the questioning and therefore was entitled to a Miranda warning. Police are required to tell a suspect in custody she has the right to remain silent and the right to have a lawyer represent her even if she can't afford one.

The motion says Novack "was never told she was free to leave."

It also says her statements should be considered involuntary because police tactics "had the effect of breaking her will."

The motion asks for a bill of particulars, seeking details of what prosecutors are alleging about Novack's role in a murder conspiracy. And it asks the judge to order the prosecution to disclose any deals made with potential witnesses.

Novack, 54, and Veliz, 57, could be sentenced to life in prison if convicted at their trial, which is scheduled to begin in April.

If Novack is convicted of killing her husband, his estate, which included one of the world's largest collections of Batman memorabilia, would go to her daughter, May Abad, and Abad's sons.

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