
Grand Jury

People v. Maynard, 80 Misc. 2d 279 - NY:
Supreme Court, New York 1974

8-9-1970

Affidavit in Support of Writ of Habeas Corpus and Notice of Motion to Suppress

Lewis M. Steel '63

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PEOPLE OF THE STATE OF NEW YORK

vs.

WILLIAM A. MAYNARD, JR.

STATE OF NEW YORK)SS.:
COUNTY OF NEW YORK)

WILLIAM A. MAYNARD, JR. being duly sworn deposes and
says:

I am the defendant herein and this affidavit is submitted in support of my writ of habeas corpus requesting this Court to set reasonable bail for me and to transfer to the United States District Court the murder case presently pending against me for which I was arrested on October 27, 1967 and finally brought to trial in May of 1969, which trial resulted in a hung jury.

I am innocent of the charges against me and have been held without reasonable bail and have been incarcerated for a year without having a new trial. Without going into the many acts of harrassment, the deprivation of my civil rights, the violation of my constitutional rights, I will say the following:

At the time of the aforesaid murder, I was at my mother-in-law's home but at the scene of the crime there were two men in a taxi cab, one of whom was Warner Guy. Mr. Warner Guy was picked up and interrogated for eight hours as I am advised by the District Attorney's office. He was then released. According to the newspaper report of

Defendant requests the Court to order the prosecution to apprise this defendant whether any evidence was obtained, directly or indirectly, as a result of an arrest or search, and if the foregoing be in the affirmative, the surrounding circumstances to enable the defendant to determine whether a motion to suppress or other pre-trial motions are in order. To further order the State to forthwith deliver to this defendant any and all exculpatory evidence of any nature which has been discovered in the investigation of this cause and if any such evidence or witnesses are known to the State, that a complete list of the witnesses be furnished to this defendant together with a copy of a resume of such evidence which is in the possession of the State officials.

Defendant further requests this Honorable Court to, forthwith, order the District Attorney in the above-entitled cause to disclose whether or not any evidence was secured by virtue of a search of the private residence of this defendant or if any evidence was obtained or discovered by virtue of the arrest or search of the private premises of the co-defendant, ^{in another action, witness in this action} If either of the foregoing be in the affirmative, defendant further moves to order the District Attorney to furnish to this defendant a copy of any all process which the State utilized in securing said evidence.

To order the State to inform defendant in writing and under oath whether or not the State has secured indirectly any evidence by virtue of any arrest, search, or seizure, by any law enforcement officer or private individual.

To order the District Attorney to inform this defendant in writing and under oath whether any evidence was acquired by State officials indirectly as a result of the execution of any criminal process and if it be answered in the affirmative, then the State be ordered to forthwith produce for inspection and copy said process relied upon to secure said evidence.

Unless the State is ordered and compelled to produce the foregoing and answer the request of the defendant, he has no State remedy available to him to protect his Federally guaranteed Constitutional rights.

Defendant moves to require the State to produce for examination, inspection, and copying or photographing any and all evidence concerning ballistics, fingerprints, blood, or other stains or documents, papers, books, accounts, letters, photographs, objects, or other tangible things which are evidentiary or which are relevant or material to the case for the State in this case further, this defendant requests of any and all examinations that have been conducted by representatives of the State as to any and all ballistics, fingerprints, blood, and other stains, or in the alternative for the State to furnish to the defendant a portion or a representative sample of any and all of the foregoing in order that the defendant may conduct his own independent expert examination of the aforesaid evidentiary matters, and this defendant further requests this Honorable Court to specify the time, place, and manner of making the aforesaid inspection and making the copies and photographs as may be deemed necessary in the best interest of justice.

SUPREME COURT : NEW YORK COUNTY
CRIMINAL DIVISION

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

WILLIAM MAYNARD Jr.

Defendant

NOTICE OF
NOTION TO
SUPPRESS

S I R :

PLEASE TAKE NOTICE that upon the trial
of the within action, the defendant will move
to suppress any and all admissions, confessions,
statements, questions and answers etc., obtained
from him on the grounds that same were obtained
in violations of his constitutional rights.

Yours, etc.,

GUSSIE KLEIMAN, Esq.,
Attorney for Defendant
475 Fifth Avenue
New York, New York 10017

THE HONORABLE
TO: Frank S. Hegan
District Attorney of New York,
152 Leonard St.
New York, New York 10017

Prejudicial Joinder;

c. The coat, clothing, belongings of alleged perpetrator and other material to show absence of blood or hair from the defendant, in connection with this alleged victim;

d. The materiality and necessity for inspection of all other items requested will be demonstrated when said items have been indentified at the time of the hearing on this motion.

e. The exact date and time when it is alleged that the defendant committed the crime charged herein.

f. The exact date and time when it is alleged that the defendant committed the crime charged herein.

g. The exact place where the body was found.

This motion is made in good faith and not the purpose of delay or to engage in a fishing expedition. The requested items are in the possession of the State and cannot be examined prior to trial other than by order of this Honorable Court.

WHEREFORE, defendant, respectfully requests this Honorable Court to enter any and all appropriate orders to carry out the foregoing matters and for such other Orders as the Court may deem proper and appropriate.

Dated: Aug 9th 1970

Yours, etc.,

Gussie Kleiman
Gussie Kleiman
Attorney for Defendant
475 Fifth Avenue
New York, New York 10017

Defendant further moves to order the State to produce for inspection and examination any and all statements made by either the defendant or by the ^{in another action, witness in this action} co-defendant concerning the death or circumstances surrounding the death of the deceased.

Defendant moves for an order requiring the State to furnish a list of all of the witnesses that will appear in this cause in order that he may properly prepare her defense.

Defendant moves for an order to the District Attorney to permit defense counsel to inspect and copy and/or subject to scientific analysis the following tangible objects which are in possession of the State:

a. Any and all confessions or admissions made by the defendant to the agents of the State and/or other peace officers or private individuals assisting the aforesaid authorities;

b. Any and all other confessions or admissions made by the defendant to the authorities of the State, or any person working in conjunction or in connection with said authorities at any time or place which have been reduced to writing;

c. Any and all other confessions or admissions made by the defendant to the authorities at any time or place whether reduced to writing or not;

d. Any and all confessions or admissions made by ^{Quinn in another action, witness in this action one} the co-defendant at any time or place which incriminate the defendant and which have been reduced to writing;

e. Any and all confessions or admissions made by ^{Quinn in another action, witness in this action} the co-defendant at any time or place which incriminate the defendant whether reduced to writing or not;

f. Any and all other books, papers, documents, and tangible objects obtained from or belonging to the defendant or obtained from other by seizure or process or arrest.

g. To produce and itemize any and all evidence in the possession of the State or that was removed from the premises of the deceased, including but not limited to any and all clothing, material, linens, blankets, fingerprints, furniture, photographs, and any and all other items of evidence removed from said premises of the deceased. To produce any and all scrapings, removed from or about the body of the deceased and any all other evidence removed from or about the body of the deceased including samples of hair, if any, in the possession of the State regardless of whether said samples were secured from the defendant, through ~~the defendant~~ or the defendant or any other person. To produce any and all photographs taken by the State or any representative thereof, or any photograph in the possession of the State concerning this cause. To produce for inspection and copying any photographs or letters or documents in the possession of the State written by this defendant or to this defendant, by ~~other people~~, or by any other person.

The objects requested are material and necessary to the preparation of the defense, as follows:

a. The confessions or admissions of the ~~defendant and the co-defendant~~ ^{and the co-defendant Quinn, defendant in another action, witness in this action} are needed in order for the defense to properly advise the defendant and to prepare for trial; e.g., subject the statements to psycholinguistic analysis.

b. The confessions or admissions of ~~Quinn in another action, witness in this action~~ ^{Quinn in another action, witness in this action} co-defendant which implicate the defendant are needed in order to support the defendant's motion for Relief from