
Maynard Summation Cards

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

1974

Ruskin

Lewis M. Steel '63

3278 - Ruskin - People - Cross

Q. So that Mr. Quinn did not have an opportunity to read the statement which is People's Exhibit Eighty for identification after it was transcribed, is that correct in your presence?

A. That is correct, not in my presence.

Q. It is your recollection that he came down voluntarily?

A. That's correct.

3283 - Ruskin - People - Cross

Q. So the answer to my question is you did not present evidence against Mr. Quinn.

A. That is correct.

3284 - Ruskin - People - Cross

Q. You say the use of the word Quinn in your notes was a shorthand is that right?

A. That is correct.

Q. Well, isn't it true that when you were using the word Quinn in your notes you were making an assumption which you couldn't prove?

A. Absolutely.

3285 - Ruckin - People - redirect

Q. And that is, and that assumption was Quinn was the man with the defendant Maynard at the time of the crime is that correct?

A. That was the assumption at that time, yes.

... "The vagaries of eyewitness identification are well-known; the annals of criminal law are rife with instances of mistaken identification.⁶ Mr. Justice Frankfurter once said: "What is the worth of identification testimony even when uncontradicted? The identification of strangers is proverbially untrustworthy. The hazards of such testimony are established by a formidable number of instances in the records of English and American trials. These instances are recent--not due to the brutalities of ancient criminal procedure." The Case of Sacco and Vanzetti 30 (1927).

A major factor contributing to the high incidence of miscarriage of justice from mistaken identification has been the degree of suggestion inherent in the manner in which the prosecution presents the suspect to witnesses for pre-trial identification. A commentator 229

has observed that "[t]he influence of improper suggestion upon identifying witnesses probably accounts for more miscarriages of justice than any other single factor--perhaps it is responsible for more such errors than all other factors combined." Wall, Eye-Witness Identification in Criminal Cases 26.

page 1324 SUMMATION for defendant - prior trial

I want to read you something that Mark Twain once said,
"When I was a young man, I could remember anything,
whether it happened or not. Youngsters often imagine things
and if they try hard enough, the image assumes reality.
Grown-ups too often mistakenly think that their powers
of observation are too great to be questioned."