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Motions

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

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9-9-1970

## Motion to be Appointed as Counsel and Affidavit

Lewis M. Steel '63

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-  
WILLIAM A. MAYNARD, JR.,

Defendant.

MOTION TO BE  
APPOINTED AS  
COUNSEL

Indictment No.  
3937/67

----- X  
S I R S:

The defendant, upon the attached affidavit of LEWIS M. STEEL, respectfully moves this Court for an order appointing Mr. Steel as my attorney to represent me in the above-captioned indictment.

Dated: New York, New York  
September 29 , 1970.

Yours, etc.

LEWIS M. STEEL  
diSuvero, Meyers, Oberman  
& Steel  
350 Broadway  
New York, New York 10013  
Attorney for Defendant

TO: HON. FRANK S. HOGAN  
Att.: Steven Sawyer, Esq.  
District Attorney  
New York County  
155 Leonard Street  
New York, New York

CLERK  
Supreme Court  
New York County

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

----- X  
THE PEOPLE OF THE STATE OF NEW YORK

-against-

AFFIDAVIT

WILLIAM A. MAYNARD, JR.,

Indictment No.  
3937/67

Defendant.

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

LEWIS M. STEEL, being duly sworn, deposes and says:

1. I am an attorney-at-law licensed to practice in the State of New York, and am a member of the Supreme Court panel of eligible lawyers for assigned cases in this county.

2. The defendant in this action is William A. Maynard, Jr. He was tried in May of 1969 on this indictment. A hung jury resulted. On September 14, 1970, prior to a retrial before Justice George Carney, the defendant dismissed his court appointed attorneys because he was not satisfied that they would fully protect his rights. Prior to September 14, 1970, the defendant, and friends and members of his family had searched in vain for other counsel.

3. The trial went forward, with the defendant appearing for himself, while a search continued for a lawyer who would be willing to appear without fee. On September 23, 1970 a mistrial was declared after it appeared that William Chance, Esq. would enter the case.

4. On September 24, 1970 Mr. Maynard's sister, who had spoken to many other attorneys in her search for representation

for her brother, contacted me and asked me to represent the defendant. She offered no fee, nor did she promise future payments. I conditionally accepted, subject to discussions with the defendant.

5. On September 28, 1970, after two interviews with the defendant, it was agreed that I would represent him without fee. I told Mr. Maynard that I would make this application for appointment, but would represent him whether or not the application was granted. That arrangement was satisfactory to Mr. Maynard.

6. On September 28, 1970 in Open Court, Part 35, before Justice Carney, I filed a notice of appearance in the case, indicating to the Court that I would make this motion before the judge who would try this case.

7. I indicated to Judge Carney, that my partner, Daniel L. Meyers, Esq., would also participate in the case, of counsel, and that we would assign our law clerk, Miss Frances Schreiber, to the case. Mr. Meyers has filed a notice of appearance and Miss Schreiber, a New York University law student who is paid by us for her time, is presently at work on the preparation.

8. Mr. Meyers and I are members of the firm of DiSvero, Meyers, Oberman & Steel, 350 Broadway, New York, New York, which was formed in May, 1970. This case will place a heavy burden on our new firm in terms of expenses and uncompensated work hours, including secretarial assistance, which we are willing to undertake. That burden would be somewhat relieved if this Court were to grant this motion.

9. The defendant has been certified as an indigent for purposes of having counsel assigned and I know of no facts which

would alter his financial status.

10. I have spoken to Mr. Vincent Fontana, Administrator of the Court Appointment Plan in this County and discussed the facts of the case with him. Mr. Fontana has authorized me to say that in his opinion this Court is authorized to appoint an attorney on the Supreme Court panel to represent a defendant at any stage in the proceedings where an indictment charges a defendant with the crime of murder.

WHEREFORE, your deponent requests that the motion be granted.

  
LEWIS M. STEEL

Sworn to before me this  
29th day of September, 1970

DANIEL L. MEYERS  
Notary Public, State of New York  
No. 24-2684910  
Qualified in Kings County  
Comm. expires March 30, 1971

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NOTARY PUBLIC

NOTICE OF ENTRY

Index No. **3937/67**

Year 19

Sir:- Please take notice that the within is a (certified) true copy of a duly entered in the office of the clerk of the within named court on 19

**SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK**

**THE PEOPLE OF THE STATE OF NEW YORK**

**-against-**

**WILLIAM A. MAYNARD, JR.,**

**Defendant.**

**MOTION TO BE APPOINTED AS  
COUNSEL  
AND  
AFFIDAVIT**

**LEWIS M. STEEL**  
Attorney for Defendant

Office and Post Office Address, Telephone  
**diSuvero, Meyers, Oberman & Steel**  
350 Broadway, Rm. 310  
New York, N. Y. 10013  
966-7110

To **HON. FRANK S. HOGAN**  
**District Attorney**  
**New York County**  
Attorney(s) for

Service of a copy of the within

is hereby admitted.

Dated,

Attorney(s) for

*12/5/67*  
*Copy rec'd*  
*SJS ADA*

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for

NOTICE OF SETTLEMENT

Sir:- Please take notice that an order

of which the within is a true copy will be presented for settlement to the Hon.

one of the judges of the within named Court, at

on the day of 19  
at M.

Dated,

Yours, etc.,

Attorney for

Office and Post Office Address

To

Attorney(s) for