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Jury Misconduct

Carter v Rafferty 631 F Supp 533

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4-4-1979

## Order - In Forma Pauperis

Passaic County Prosecutor's Office

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April 4, 1979

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Lewis Steel, Esq.  
Esiner, Levy, Steel & Bellman, P.C.  
351 Broadway  
New York, New York 10013

RECEIVED APR 9 1979

Dear Lewis:

Per our appearance before Judge Leopizzi on Tuesday, March 20, 1979, please find enclosed herein a copy of the order which we signed (regarding the in forma pauperis designation for the purposes of securing the transcript of the recent proceedings). I understand that we will be receiving the transcript by Wednesday, March 21, 1979. I am under the further impression that the hearing of March 20, 1979 will be transcribed, forthwith.

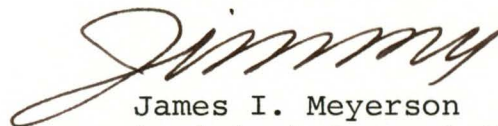
I am also enclosing herein a copy of the transcript of the tapes. Myron has the original of the tapes; and we will have to come up with some procedure in order to compare the transcript (as prepared) with the tapes themselves.

My impression of the hearing on the 20th is that Leopizzi was very, very hostile; and that, notwithstanding that he took the matter under advisement, he expects to kill us.

The only reason that he may have taken the matter under advisement is to give an appearance of fairness or to otherwise think through the ramifications of what might happen should he permit our requests (and how, perhaps, it could hurt us and protect him).

Just some thoughts. Hope all is well with you and yours. Peace.

Sincerely yours,



James I. Meyerson  
Assistant General Counsel

JIM/der  
Enclosure

cc: Myron Beldock, Esq.

THE STATE OF NEW JERSEY, :

Plaintiff, :

v. :

CIVIL ACTION

RUBIN CARTER and JOHN ARTIS, :

ORDER

Defendants. :

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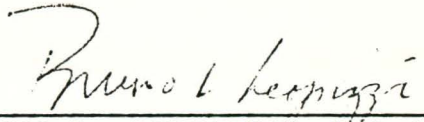
This matter being opened to the court by Myron Beldock, Esq., attorney for the defendant, Rubin Carter, and Lewis M. Steele, Esq., attorney for the defendant, John Artis, in the presence of Burrell Ives Humphreys, Prosecutor of Passaic County, and Ronald G. Marmo, Assistant Prosecutor, and the court having considered the arguments of counsel; and it appearing that the above named defendants have been heretofore declared indigent by virtue of order heretofore entered under date of August 8, 1977; and it further appearing that there is pending presently before this court a remand hearing which has been mandated by the Appellate Division dated February 21, 1979 with reference to the interviewing of jurors; and it further appearing that it is imperative that defense counsel obtain transcripts of said hearings for appeal purposes; and it further appearing that this court had rendered a written opinion on June 27, 1977 as to the propriety of the county's obligation to expend sums of money for the production of such transcripts; and it further appearing that the conditions set forth in the order of August 8, 1977 are to be incorporated in this order;



It is on this 9th day of March, 1979;

ORDERED and ADJUDGED that the defendants Rubin Carter and John Artis are declared to be indigent; and it is further

ORDERED and ADJUDGED that the County of Passaic shall expend all sums of money necessary for the production of the transcripts of the hearings conducted as a result of the remand by the Appellate Division for the interrogation of jurors.

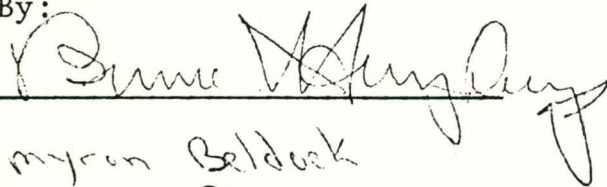
  
BRUNO L. LEOPIZZI, J.S.C.


We hereby consent to the entry  
of the within Order as to form **ONLY**.

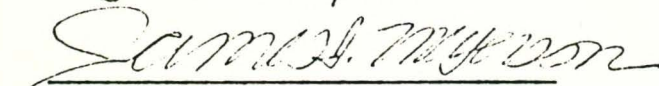
Passaic County  
By:

\_\_\_\_\_  
Martin Verp

Passaic County Prosecutor's Office  
By:

  
Myron Beldock

  
\_\_\_\_\_  
Attorney for Rubin Carter  
James I. Meyerson

  
\_\_\_\_\_  
Attorney for John Artis/NAACP