
Maynard Summation Cards

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

1974

Fox

Lewis M. Steel '63

1679 - FOX - for people - recross

Q: Who licenses cabs, taxicabs in the city of New York?

A: The police department.

Q: And they are th4 people that take away taxicab licenses also, aren't they?

A: I guess so, ayes.

1677 - FOX _ for people - recross

Q: This evening, which Mr. Maywer says is May the 17, 1967, is the first evening you saw the brown camera bag?

A: Yf that was the same camera bag I saw, yes.

Q: Prior to May 17, 1967, how many times had you been to the 6th Precinct?

A: Maybe # 3, 4, I dont remember

Q: And you had never been shown the brown camera bag prior to this evening, is that your testimony?

A: Yes, sir. I wasnt show the bag that evening either. I pointed to the bag.

Q: It was just sitting on a desk?

A: It was sitting, yes.

Q: But you had mentioned it prior to that evening?

A: Yes, I had.

Q: And no one had gone to look for it and bring it out and show it to you and say is this the bag?

A: No one showed me anything but pictures at any othertime.

Q: Now, when you mentioned the brown bag, did Lt.Stone make any notes, anywhere?

A: I really cant recall if he was writing anything at that

(over)

time or not. I cant recall it.

Q: Did Det Hanist make any notes , to the best of your recollection?

A: No, not that I know, remember.

1651 - FOX - for people - recross

Q: Now, do you know the exact date in which you saw Mr. Maynard in the police station?

A: No, sir.

Q: In other words, when the D.A. said May 17, 1967, you said -- and you answered that, you answered without really knowing that was the date?

A: I ~~xxxx~~ figured that was the date/

Q: Because he said so? Because Mr. Sawyer said so; is that right?

A: Right.

1675 - FOX - for people - recross

Q: Did you say anything else while you were in LT. Stone's office?

A: Right. I remember then he was talking about a tourist bag, and I looked over on the next desk, and I said the tourist bag looks something like that, looked like that brown bag that was on the desk.

COURT: I imagine the question he wants him to answer is, did a police officer asky you whether you saw a brown bag?

A: No, sir.

Q: Well, how did the authorities find out about the brown bag?

A: Well, I remember them asking me, did I observe him carrying anything, and this and that, and then, you know, upon thinking of it I said, "Yes." After thinking a while I said, "Yes, there was a bag, a brown bag that looked like a tourist camera bag."

1579 - FOX - for people - cross

Q: Do you remember whether you mentioned a camera bag on the day that you called the special phone?

A: I don't remember. I don't think I mentioned it, no.

1669 - FOX - for people = recross

A: Well, I walked in the door.

Q: Yes.

A: I saw Lt. -- Det Al Hanist was bending over to open up that gate. And I say as he was coming up, I says, that is the man that was in my cab.

Q: Almost instantaneously?

A: Well, yes.

xxxxx1670

1639 - FOX - for people - recross

Show up

Q: And how many of those people did you know before you entered the room? In other words, how many of the six or eight people did you know that you'd seen before?

A: Approximately three of them, three or four.

1641 - FOX - for people - recross

Q: Now, with the exception of this one older black person sitting at the desk, which you knew was a desk where policemen, or police detectives worked, was there any other black person in the room when you walked in?

A: Besides the officer?

Q: Yes.

A: Just Mr. Maynard.

Q: And was there anyone sitting near him/

A: No.

1648 - FOX - for poeple - ^{re}cross

WITNESS: The other Negro -- police officer was facing --
direction he was seated.

JUROR: At the desk?

WITNESSES: Yes.

1670 - FOX - for poeple - crecross

Q: What did Det. Hanist do?

A: He took me right in to Lt. Stone's office.

Q: Say anthing to you?

A: No. He just walked right into the office.

Q: So now, from the time that you walkèd in the building, and met Hanist, at the bottom of the stairs, to the time that you walked up the stairs, through the time that you told Hanist that that is the man that was in the cab, he still said nothing to you but hell0, is that correct?

A: Yes, as I remember.

1670 - FOX - for people - recross

Q: Did he take out his memorandum book to make a notation?

A: I dont remember him taking out anything.

Q: Did you see him take out his memorandum book in the past
to make notations when you talked to him?

A: I seen him making notes, I dont know if it was paper or
notes, I seen him making notes on sheets of paper.

Q: But you dont remember whether you saw him take notes on
this particular evening, is that right?

A: I am pretty sure he did not, at the time, or from the
time I told him that while we were at the gate, when I
first saw Mr. Maynard -- I am positive in fact, that he
did not.

1671- FOX - for people - recross

Q: And, did Hanist go to Lt. Stone's office with you?

A: Yes. I followed him in.

Q: Without any word being spoken by Hanist?

A: without any word.

1672 - FOX - for people - recross

A: Well, Det Hanist said to Lt. Stone, that that -- that I said that Mr. Maynard was the man that I had in my cab, and Lt. Stone asks me if I was sure, and I said yes.

1673 - FOX - for people - recross

Q: And did you see him make any notes?

A: Not that I could remember. He might have, he might not have. I don't rememberr.

Q: Did you see the man named Captain make any notes?

A: I dont remember.

Q: In other words, you dont remember anyone taking notes, is that right?

A: At that time, no.

1675 - FOX - for people - recross

Q: Now, when you came in initially to the detective room, you say the man you identified was sitting down?

A: Yes.

Q: Did you see him stand up?

A: Noa, I did not.

1653 - FOX - for poeple - recross

A: I was at home. There was a friend, a neighbor in my house.

Q: Had you eaten dinner?

A: Yes.

(This is in reference to when he received a call to come down to the police station.)

... continued on page 1654

Q: :You say you received a call around 8 to 8:10 in the evening; is that right?

A: Yes.

Q: And who was the caller?

A: I'm pretty sure it was Detective Hanast.

Q: What did he way to you?

A: He asked me if I would come down to the stationhous3.

Q: Id that all he said to you?

A: Yes.

Q: And what did you say to him?

A: I asked him at first --I--"at any particular time," and he said "asoon as you could," and I said, "Okay, Ill be there."

Q: Didyou ask him what you were coming down there for?

A: No.

Q: Did he volunteer what you were doming down there for?

A: No, he did not.

1656 - FOX - for people - recross

A: Well, I stopped at the desk. I think -- officer at the desk, and I told him I had to see the detectives and then I proceeded to go towards the detectives' office. The stairway.

Q: You proceeded by yourself without anyone accompanying you?

A: Right.

1656 - FOX - for poeple - recross

Q: And when what happened?

A: As I was going upstairs, I bumped into Det Hanast --

Q: Well, as you were walking upstairs, were you actually on the stairs when you bumbped into Det Hanast?

A: Just about at the steps.

1657 - FOX - for people - recross

Q: And what did you say to him?

A: Hello.

Q: What did he say to you?

A: He said, "Hi" He said hello too, and we walked upstairs.

1658 - FOX - for people - recross

Q: What other conversation did you have as you were walking up the stairs?

A: No other conversation.

...

Q: When you got up to the top of the stairs did he say anything to you?

A: No...

... 1659

A: He walked into the -- the main office there.

Q: How far as that from the top of the stairs?

A: Ten, twelve feet.

Q: Did he say one word during that period of time?

A: Not that I remember.

1660 - FOX - for people - recross

Q: Is it your testimony that from the time you walked in the precinct house and saw Det Hanast at the bottom of the steps to the time you walked in the detective room on a different floor in the building, the only words were hello, hello; is that your testimony?

...
A: As far as my recollection, yes.

FOX - 1538 - for people - direct

Q: Will you describe, as best you recall, the appearance of the negro man as you was in your cab on April 2, 1967?

A: He was carrying a blue windbreaker. Hewas wearing a blue polo shirt and dark trousers.

Q: Do you recall anthing else about his appearance at this time?

A: No.

1568 - FOX - for people - cross

Q: Tell, me what your recollection is as to what he looked like.

A: Well, approximately five-nine, about a hundred and sixty pounds, blue polo shirt, he was wearing, he was carrying a blue windbreaker, and he had dark trousers.

Q: Now, how did you fix his height at 5-9.

A: Because I am 5-9, approximately the same size, I was.

Q: And, you saw him standing, did you not?

A: Yes.

1569 - FOX - for people - cross

Q: Now, do you ever remember telling any police officer, that you thought that the black person who was in your cab looked a little on the faggy side?

A: I dont remember, no, sir.

Q: In other words, you dont remember, whether or not you told the police officer that?

A: No, I dont remember that.

1572 - FOX - for people - cross

Q: Do ;your remember telling any9ne, in an interview, concerning the black person, you say you carried in your cab, on April 3, 1967, that the colored fellow sounded on the gay side?

A: I might have said that, I dont remember.

1540 - FOX - for people - direct

Q: Okay. Now, did you see anything else in connection with this case during the course of this trip, which began at 76th Street and ended at Tenth Street?

A: Yes. the White fellow was carrying what looked like a tourist bag on his shoulder when he walked up towards the cab, and then in the cab it was on the seat between both of them.

...

Q: And you say that you saw it on the shoulder of the white person. At what point did you see it?

A: When they were walking up towards the cab.

Q: I see, and where again did you see it, if at all?

A: On the back seat, between ~~the~~ both parties.

1558 - FOX - for people - cross

Q: Remember being asked the following question and giving the following answer? (689)

...

QUESTION: Now, did you observe whether or not either of these people was carrying something when they entered the cab?

ANSWER: No, I did not observe.

QUESTION: Did you observe either one of them to be holding anything or to have anything about his person as they were going down, as they were going downtown when you turned to speak to them?

"No, I noticed there was a bag like a camera bag, like the tourists carry in the back seat between them, but I dont know who had it."

1555 - FOX - for people - direct

Q: I show you a bag which has been marked as People's Exhibit 21 for identification in the case and ask you whether you recognize that bag?

A: The bag I saw looked something like this bag. I dont know if its the exact one.

1566- FOX - for people - cross

Q: And, would you be able to identify all two to 3 hundred people that get in youe cab, at any given week?

A: No.

1576- FOX - for people - cross

Q: Now, you've had other black and white passengers in your cab at the same time, have you not?

A: Yes.

Q: Many times?

A: Substantial amount, yes.

Q: And that doesn't give you any cause to give them closer scrutiny than white people, would it, getting in your cab?

A: No, sir.

Q: You look at them the same?

A: Right.

1577 - FOX - for people - cross

Q: In 1967, did many passengers get in your cab carrying bags?

A: Yes.

Q: A lot of them carried tourtis type camera bags, did the they not?

A: Yes.

Q: And that wouldnt be, a camera bag or a tourist type bag, wouldnt be an item which would particularly call it-self to your attention, would it?

...

A: No.

1578 - FOX - for people - cross

Q: Now, was there anything about the bag that you saw in the taxicab which attracted your attention?

A: No.

1563 - FOX - for people - cross

Q: Now, in your trip entry ticket, does it indicate the race of your passengers?

A: No, it does not.

Q: Now, page 693 of the prior hearing. Were you asked the following questions, ~~you~~ give the following answer?

Did -- does it show a Negro and a white person?

ANSWER: Yes, sir.

1575 - FOX - for people - cross

Q: Would you tell me what you mean by polo shirt?

A: Short sleeved, no collar, no open collar; round. What you'd call a polo shirt. That's the name I always knew it as. You might say it looked like a Tee-shirt, but it is blue. You call it a polor shirt.

Q: Light or dark blue?

A: It was, let's see, like a powder blue.

1583 - FOX - for people - cross

Q: And as you saw him walking, did he appear to be smaller or larger than you?

A: Maybe a drop smaller.

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1583 - FOX - for people - cross

Q: Did you ever ask the police to revise Defendant's Exhibit E?

A: No. sir.

Q: Did they ask you to look at it to see if it fit the description of the person who was in your cab?

A: Yes, I was showed it.

1537 - FOX - for people - direct

Q: Okay, and where were these persons coming from?

A: They were walking west on 76th Street from Lexington Avenue, towards Park.

1683 - COLLOQUY (following FOX testimony)

COURT: Now the question reads: "If so, if you were driving south when you picked up the two men, how could you stop on the southeast corner?"

WITNESS: I meant the southwest corner.

(this was a question submitted by a juror)