
Post-Trial Proceedings

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

5-19-1973

Affidavit - Nicholas M. DeMartino

Lewis M. Steel '63

orig
Filed Nov. 4th Judge Lang on 5/30/73 in Part 46
served D.A. See Minutes re purpose of filing.

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

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PEOPLE OF THE STATE OF NEW YORK, :

v.

: Indictment No. 3937/67

WILLIAM A. MAYNARD, JR., :

: AFFIDAVIT
(Copy of Handwritten
Original)

Defendant. :

-----x

May 16, 1973 -- My name is Nicholas M. De Martino. On the night of the shooting where a Marine soldier was killed, I was standing on Third Street and McDougal, in front of the Night Owl Cafe, and I was arguing with a police officer (not from the Sixth Precinct) about a juke box being too loud. I then saw a sailor being thrown out of a club called the Purple Onion which was on Third Street (between McDougal and Avenue of the Americas). He was dead drunk and being very loud (I remember this because I said this to the police officer and why don't he arrest him. The police officer said he's just letting off steam.) Then this colored guy is walking past the Purple Onion and the sailor bumps into him. The guy says to watch where he walking and the sailor starts to punch him out. Finally the police officer runs across the street and breaks it up. The colored guy wants the sailor arrested but the police officer says to let the whole thing pass. The colored guy walked to McDougal Street and Third Street. The sailor walked to Third Street and Avenue of the Americas. I walked to McDougal and Fourth Street, and spoke to Eddie Murphy about this whole incident. Then I walked

towards Third Street and McDougla and Eddie Murphy walks towards Fourth Street and Ave of Americas. I hear this backfire and run to Fourth Street going towards Ave of Americas. I see this sailor jump into this car that is running (the motor). I also see a body in the street in front of the Pony Stable. I tried to stop the sailor but he tried to run me over. I ran over to Third Street and McDougal and told the police officer that someone was shot and that the same sailor from Third Street and Purple Onion ran away from the scene of the crime. The police officer and I ran down to the body and it was a Marine soldier with half his face missing. His body was jerking and the police officer heard a car knocking down garbage cans. I told someone to call an ambulance and the police officer stopped the sailor coming down the street the wrong way and arrested him. He was screaming that someone shot the Marine soldier and he was still drunk and incoherent.

I have written the above statement to the best of my memory and know it to be true.

NICHOLAS M. DE MARTINO
[201] 774-2811

Sworn to before me this 16th
day of May, 1973

RALPH L. ADDONIZIO
Commissioner of Deeds
City of New York 1-1131
Certificate Filed in New York County
Commission Expires Nov. 1, 1974

(not from
birth pet.)

May 16, 1973 - My name is
~~Arthur M. de Montano~~. On the night
of the shooting where a Marine soldier was
killed, I was standing on 3rd St &
McDonald, in front of the Night Owl Cafe
and I was arguing with a police officer
about a juke box being too loud. I then
saw a sailor being thrown out of a
club called the Purple Onion which was
on 3rd St (Between McDonald & Ave of the
Americas). He was dead drunk and
being very loud (I remember this because
I said this to the police officer & why don't
he arrest him. The police officer said he's
just letting off steam. Then this
colored guy is walking past the purple
Onion and this sailor bumps into him.
The guy says to watch where he walking
and the sailor starts to punch him out.
Finally the police officer runs across
the street and breaks it up. The colored
guy wants the sailor arrested but the police
officer says to let the whole thing pass.
The colored guy walked to McDonald St
& 3rd St. The sailor walked to 3rd St &
Ave of the Americas. I walked to McDonald
& 4th St. And spoke to Eddie Murphy
~~Arthur M. de Montano~~

May 16, 1913
about this whole incident. Then I
walked towards 3rd St & McDermey and
Eddie Murphy walks towards 4th St &
Ave of Americas. I hear this back fire
and run to 4th St. going towards Ave
of Americas. I see this sailor jump
into this car that is running (the
motor) I also see a body in the street
in front of the Bony stable. I tried to
stop the sailor but he tried to
run me over. I ran over to 3rd
St. & McDermey & told the police officer
that someone was shot & that ~~was~~ the
same sailor from 3rd St & Purple Avin
ran away from the scene of the crime.
The police officer & I ran down to the
body & it was a Marine soldier with
half his face missing. His body was jerking
& the police officer heard a car backing
down garbage cans. I told someone to
call an ambulance & the police officer
stopped the sailor coming down the
street the wrong way and arrested
him. He was saying that someone
shot the marine soldier and he was still
drunk & inebriated.

Julius M. D. M. D.

May 16, 1973

I have mounted the above statement
to the best of my memory and know it to
be true,

Arthur W. Pliminton,

201-774-2811

Sworn to before me
this 16th day of May 1973
Ralph L. Addonizio

RALPH L. ADDONIZIO
Commissioner of Doors
City of New York 1-1131
Certificate Filed in New York County
Commission Expires Nov. 1, 1974