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

5-19-1973

Affidavit - Nicholas M. DeMartino

Lewis M. Steel '63

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

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the Judge Lang . A. see Minutes

PEOPLE OF THE STATE OF NEW YORK, :

No. States

WILLIAM A. MAYNARD, JR., Defendant.

served D.A.

100 200

: Indictment No. 3937/67

re purpose of filing

(Copy of Handwritten Original)

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

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

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