
Motions

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

1974

Steel's Notes re: Witness Michael Febles

Lewis M. Steel '63

Michael Jables

pleaded to crim poss of dangerous weapon
before Bert Roberts

"D" Felony

to be sent 5/28/74

~~psycho illiterate~~

functional illiterate according
to psycho report

didn't know first month of
the year.

Contentions

We contend that at best the suppression was negligent, and at worst that the police were actively involved in protecting their own witnesses from vigorous cross X.

Negligent suppression cases: In addition to those already cited see

US v Consolidated Landries Corporation
291 F2d 563, 570-1 (2d 1961.)

Papers which would have been helpful on cross of a witness not turned over because they had been negligently misfiled. US Atty not involved in the misfiling. Instead by the custodian in a related civil contempt case. Atty. hostile to the prosecution.

Citing the Casey case 1st 2d 554, 557

Prosecutor must be vigilant to make full disclosure, Ct held.

US v Brewer 482 F2d 117, 136 (2d Cir 73)

Restates rule that neg is no excuse.
as does Rice v Vivant

Brewer goes to due diligence as well.

Issue: Δ's atty knew names of witnesses,
but not what they would have been able
to testify to.

#

~~Issue~~

No due dil problem.

Ingram v Peyton

367 F2d 933 (3rd Cir 1966)

→
found
on
both
due
diligence
&
neg

→ key witness for prosecution rebutted under
oath.

thus defense found no crim record.
In course of trial, truth learned. After trial
defense counsel found out about record

Immature that error was not intentional.

United States ex rel Raymond v Honors

455 F2d 62 (9th Cir 1972) cert den

409 US 885

Δ knew results of tests, but not atty
for new trial

In due
diligence
see also