
Maynard Summation Cards

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

1974

Bernhardt

Lewis M. Steel '63

2003- Bernhardt - for Deft- direct

Q; And did you observe anybody as you were entering the delicatessen?

A: Yes. I met a sailor on his way out.

Q: And did you have any words with that individual at that time?

A: No, I didn't.

2005- Bernhardt- for Deft- direct

Q: And after you noticed that individual stamping his feet, did anything happen thereafter?

A: Yes, he stamped again and I looked back and he started out after me.

2007- Brenhardt- for Deft- direct

A: Well, the sailor as I was trying to get up came up and swung at me twice and both times he missed.

Q: And did you say anything at that time?

A: I was yelling to the officer-- there was an officer ~~xxx~~ across the street; thats why I didn't see-- whatever I fell on. I--thats why I didn't see it, because I was yelling --- trying to get his attentionand-- when I finally got up he came over and -- I asked him to arrest ~~xxx~~ the man and--

2014 -- Barnhardt-- for the defense-- direct

Court: It is sort of an attempt to attack, is that right?

A: In the---

Court: Right, in the police station?

A: Right in the police station.

2015 Barnhardt-- for the defense-- direct

Witness: They took him out, they took him out. Two ~~officers~~
officers took him out.

2015-- Barnhardt-- for the defense-- direct

Witness: Well, ~~kk~~ he looked like someone who was under the influence, in fact I'd seen him drink the beer down. He came right out of the delli with beer in his hand and by the time I could get to getting what I was through getting what I was getting, and get a little ways from him, he was finishing the beer up.

So, I know that he'd been drinking it, but he looked it, and the next morning he looked even worse.

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2018- BARNHART - for DEFENDANT _ ~~xxxxxx~~cross

Q: Mr. Barnhart, have you ever been convicted of any crime,
sir?

A: No.

2019- BARNHART - for defendant - cross

A: I had on a black -- yes, I was wearing a black pair of trousers, and a white shirt.

Q: I see.

A: And April, I probably was wearing some type of a jacket, or coat, or something.

Q: And you had worked, you just finished working 8 hours in a bar and grill, is that right?

A: Yes.

Q: As a waiter?

A: Yes.

Q: Did you have anything to drink yourself, Mr. Branhart?

A: No, I didnt/.

2020- BARNHART - for defendant - dross

Q: Before the sailor stamped his feet as you said, did you do anything to him?

A: No.

Q: Nothing at all?

A: Nothing at all.

2022- BARNHART - for defendant - cross

Q: And then, he swung but he missed you, is that correct?

A: Two times.

...

Q: No, he did not. No. On those grounds I'd have him arrested, I would have.

Q: You could have had him arrested, is that right?

A: I would have.

Q: But he didnt hit you.

A: He didnt hit me, and that is why I didnt.

Q: That is why you didnt what?

A: The officer asked me to not to, because it would take-- it would be thrown out because he didnt hit me.

2023 - BARNHART - for defendant - cross

Q: Before the sailor stamped his feet, did you pat him on the buttocks, Mr. Barnhart?

A: No, I did not.

Q: Did you ask him to go home with you?

A: I did not.

Q: You are sure about that?

A: I am positive.