

1974

Motion for a New Trial: Materials needed for Maynard Hearing

Lewis Steel '63

Materials Needed For MAYNARD HEARINGS

1) Notice of Motion for Protective Order
dated 11/16/73
relates to ~~Tell~~ Addonizio's conversation
w. tn Colon Nash

2) Motion to VACATE, + LMS Aff. dat. +
dated 11/16/73

LMS aff. sets forth

(a) present knowledge of Teller's condition

(b) the law

(c) Failure to turn over yellow sheet,

T 1032

1033

relying on T 1032-17 - which is
an incomplete citation

(LMS aff p. 3, #8

(d) inability to investigate LMS p. 4 #9

(e) #11 raises App Div lack of

But ✓
Should
specifically
raise AS to

offer itself knowledge outside record.

3) Answering affidavit of Cedarbaum

(a) #3 turned over medical records to cts

(b) #4 turned over yellow sheet to counsel + Court +

→ (c) #5 interviewed MF on 1/27/73, told
by mother + MF no other treatment for
mental disorder since release from
Rockland in '56

Cederbaums aff. continued

(d) #6. Febles said he told neither police or any ADA's re mental problems.

(e) O'Brien, HANAST, Stone, Gallina, Sawyer talked to JC - have NO knowledge about Febles' mental problems

4. Ct minutes IN MAYNARD CASE 11/28/73

(a) p10 - ANY law enforcement officials involved in this case - new trial

(b) p16. Cederbaums states O'Brien called Mrs Nash

(c) p17. Cederbaums talked to Nash by Phone

(d) p18-19 It was O'Brien, not a Lt who had talked to Nash prior to trial.

p21 merely to locate him
(e) JC couldn't find a yellow sheet on file

(f) p26 - discussion of witnesses. p27 importance of "accidental on Court id."

5. Ct papers re discon

a) outside jacket

b) Complaint

(c) Commitment order

6. Subjwera does favor
re Ct papers

7. Commitment minutes

8. Sentence minutes

9. Rhoda ~~Foreman~~

interview notes R.A.

— Impt - cops drew of tables prior to arrest

10. James Wechsler notes

re: Fredrick Freund

a) p2. ^{bottom p3} friendships with cops
particularly a Det Shea

b) p2 Cops gave him clothes
and \$ (p.3)

(c) p3 Averted for fearing up an
80 year old woman

(d) p4 Called Pet to have him arrested
for gun - no gun

(e) p4 told people he had been
in movies - very articulate -
had never been in movies

(f) had Horchard movie unit
in closet.

11. legal research including
Roberts opinion

9A:

LMS

Rhoda Foreman
Notes:

→ had been
interviewed
prior to
Arrest of F
by Dets.

12. Mrs Colan Nash - Ralph Addonizio

13. Notes on Teflus

a) Acid

(b) Spade Jerry

14

Stone

DD 5'0

I Walter Stone - Hapari

26 police Dept Ct.

met him morning

last saw on 1968

saw told about discom
preparing form

Harris +

Discom

Opening Re Important Witness
re 10/3

Alibi Oregon
Wardin

Maynard

Check
331 NYS2d 705
People v Sobley

met
149
Concept of mulatity of disc.
California yellow sheet case
+ US SC Alibi cases

14 Re Ferguson
487 P2d 1234 (1971)
error even w. trust report

In this case, D.A. had actually sent away
to Calif to get cum background
information on Maynard which he fr 2804
used for impeaching purposes.
5

Xet withheld to last minute
Swing any info on tables.

— (Reenan simply wrong D not entitled
to know arrests of a witness.
Pros would know Dth this - & would
be better prepared to apply SORGE)
(H 264)

Due diligence
Ingram v Pope 367 Fed 933

See US v Brauer 482 Fed 117, 136
US v Consolidated Baking 291 Fed 563, 570

Sawyer's use of psychiatric
debatable -
Compare Connor confession
Used psychiatric to own advantage

Virtually all the other cases -

DA's are candid about what was known
Here only, ~~clumsiness~~
SAWYER - I gave information - simply untrue
HARAST - I probably knew
but I don't remember now

— Rely Heavily on Summation

SAWYER - An effort was
made to present these
individuals as they
are?

What EFFORT?

The bogus due diligence issue

At the last minute - AN
Attempt to shift the focus

277- Sawyer "I have no ^{ideal} recollection" of what
I gave you

278 Didn't ~~at~~ see the yellow sheet

288-290

308-309

No memory
No memory whatever

So clear defence counsel
overwhelmed.

All the late disclosures

NO preparation

ENDLESS ^{preparation}

Civil suit + ^{only to get share}
for client

12345
678910

BROOKLYN NY 11211

DDSS

DDSS

Hearing before Lang, J.

1/16/74

Tables Called

Yellow Sheet

As Ex A of

B1 Jacket

B2 Community

B3 Complaint

C - Jan. 17, 1966
minutes

D - Entering minutes

E - ~~Gallina's~~ notes
~~Gallina's~~ note

E1 (Gallina's notes)

E2 - MF' - MFIV

(Gallina's trial cards)

Felber Direct -

Witness to shooting April, 1967 -
discussed events with

DA's

+

Cops

never told them of psychiatric treatment
told of arrests but not
psychiatric treatment

go!

6th Pct.

Stone - asked Felber about
Felber told

not printed to his recollection -

DA Senger & Ballinger

Looking at a sheet
when asking him questions

Don't think so

Did they have Cant
papers

believe they did
have cant papers

June 5, 1968 11AM

Ernest O'Brien

1/24/74-

F Rv. Feble, Docket B16855/70

ident G Rv. Feble Docket B16935/70

~~#~~

H1-5 Photos of Complainant

Walter Stone

S.I. Naejani

During course of case spoke to Feble
met him 4/4/67 → 1968
not aware of Feble's
background

Prin

Became aware of a discrep arrest
Reaping Tom offense
never spoke to complainant or
arresting officer
never inquired

Brought wife and 1st child
when child was first born
Saw him 20 times - 30 times
at Pet house

1st - couple of weeks of investigation
keeping Tom allegation
not sure
never told P. A.

Knew it was 6 Pet and T
To his knowledge no body
looked up Complaint.

Doesn't recall larceny record

Interviewed Feble

never asked if Feble had a
criminal background -

Who was DA detective

Had several addresses/-

20-30 interviews
meetings

Albert J. Horvost
20 PCT A/C
P.O. 2 1/2 years ago -

right of occurrence

Michael Feller -
Not aware of any psych history
- Pres he had a record -

Knew he was arrested
for discom -
didn't know

Procedure to do so to get
yellow sheet when witness
reveals

It was done yellow sheet
was pulled etc by

Honest or O'Brien
Saw sheet

Did not go into forest
Saw him in numerous occasions