
Maynard Summation Cards

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

1967

Summation Ideas

Lewis M. Steel '63

M.B.P.
3937-67 A.H.P.

No. 3937-67
I.B.

B.W.C.B.
469
day of
NOV 30 NOV 1 1957
19

THE PEOPLE OF THE STATE OF NEW YORK

—against—

WILLIAM A. MAYNARD, JR.,

(N.A.P.)

Defendant.

INDICTMENT

MURDER FIRST DEGREE

Penal Law, §1044

FRANK S. HOGAN

District Attorney

A True Bill

Lehman Brady

Foreman

Lehman Brady

1130
Count 93 indent
9/15/70 - HR

HB 135—1M-710642(62) 447

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

THE PEOPLE OF THE STATE OF NEW YORK

— against —

WILLIAM A. MAYNARD, JR.,

Defendant

COPY

THE GRAND JURY OF THE COUNTY OF NEW YORK, by this indictment, accuse the defendant of the crime of MURDER IN THE FIRST DEGREE, committed as follows:

The defendant , in the County of New York, on or about April 3, 1967, wilfully, feloniously and of malice aforethought shot and killed Michael E. Kroll with a ~~pistol~~ shotgun.

FRANK S. HOGAN
District Attorney

KEY IDEA TO THE SUMMATION

Michael Febles testifies that he goes to Court on July 10, 1967 to identify Maynard as the man who killed Kroll.

Why was he not arrested on the spot.

Febles - deadbeat.

Knows all cops by first name

Jimmy, Tommy, Lou

doesn't know them as equals,
their locker, their bag, their
inside man.

Got a drunken sailor, got
a dead beat looking for bottle,
not this a bouncer and Boof,
knows what she couldn't recall
his own testimony. doesn't remember
whether he changed his story.

Summation ideas:

- ① at end quote from Wade W U. S
- ② 12 Angry men - movie about an identification. guy convinced of guilt. one man - the knife - magic out of hat. Can't expect magic out of hat all the time. Person can be innocent without magic.
- ③ People will expect you to do your duty - as if it is hard to convict if you honestly believe a Δ guilty of murder.

Reason why he will expect you to do your duty is to ask you to put aside your doubt and convict merely because you believe a Δ guilty.

Belief not enough if you only believe - must be acquit.

Summary

Evidence point

Why didn't people introduce
proof that A was at usual
haunts, Sunday night. A
familiar character in village.
Someone must have seen him
from

VAN Means to 4:30

Concept of fact police

work. Why doesn't Dewey

interview witnesses immediately

Notes
to Vol I
Oct 1970 trial

Summation Ideas & Material.

①

Sawyer's opening - his table of contents

- p 333- Crist spent ~~family~~ leave with family
p 333, - " had no funds to take bus
p 334- Curt + unknown man confront each other on 3rd. no confrontation
man struck from behind.
p 335. issue of impending violence
p 335- argument on corner of West 3rd + 6th.
p 336 - 2 witnesses to argument on corner.
p 336 - well lighted area of city.
p 337 - reasons why Maine turned in W4th will never be
wholly known - only guessed at.
p 337-8 Prove that Kroll hesitated for a moment, then moved
forward.
p 339 Prove that Fables saw the man with Def. throw
~~away~~ drop a brown camera case with a strap.
p 340 - the Brunner cap - Jackson + Guy. led to Hayward
p 340+ Prove def left jurisdiction after composite photo
appeared in paper.
p 341 - prove def fled to Europe - arrested in Germany.

My Opening

- p 342. Will prove incident took place after bars
were closed - nighttime. It was dark.
p 343- Sgt Kroll's death made the news.
pressure upon police

p344 - serious problems in constructing case.

① people at scene said it was a youth. 18-20

Maynard at time was 31 years

② original description of smaller man.

③ witnesses can't describe white.

④ memory is selective

p344-5

⑤ see a composite - will not bear a resemblance.

p345

⑥ Maynard in Queens, visiting the Purins.

p346

⑦ note inconsistencies; listen for details.

p346-7-

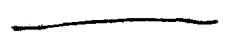
learn about Maynard - promising theatrical career, man of promise, a gentleman, well dressed, well liked.

p347 ⑧

Character witnesses - some of the great figures in American lit.

p349 -

Ask for acquittal.



(3)

John A. Fanell

- 351 - Engineers with D. A.'s office
introduced into evidence People's 1+2
- 358 - lights on diagram larger than scale -
- 363 - only thing not to scale.
- 369 - floodlights shine in easterly direction. (P373)
- P377 - lights - a little bit larger than a pinprick.
distances should be on my diagram
- P387 - Ave of Americas 60 ft wide.

-
- 410 - Irving Weinstein lighting. 411 - May 1969
- 417 - spot lights - W4th St - ~~to~~ Southeastern, middle 3rd -
easterly, 3rd St - south easterly - all into playground
- 419 - 400 near vapor - approaches 1000 W in candle.
- 421 - lighting on W4th does not spill on East side
but you can see better because you have a light background.
- 423 - 3 or 4 readings from W3rd to W4th. averaged them
- 426 - 1.5 ft candles average. read small part of newspaper with
difficulty. large part easily.
- 426 - W3rd - 30-40 ft in . 7 ft candle.
- 427 - W4th 50-60 ft in . 6 " "
- 428 - Standard in 1967. . 7 ft candle.
- 428 - were leaves which would decrease.
- 429 - Bank would not contribute light to W4, but would
aid in observation because you could see objects against illuminated background

Farell cont

P447-8 Floodlight on W3rd does not illuminate north sidewalk doesn't spill light on that sidewalk.

P449 - flood mid 3-4th. lights playground 26 ft high.

P450 - virtually all of the light passes over sidewalk into playground.

P451-2. 4th st flood - shoots 26 ft into playground. Any spill would have been picked up in readings.

P454. no sidewalk lighting W3-4

P454-5 there is now newer forms of st lighting. Come in 1965. Merc vapors - 1958.

P455 - Weinsten light meter made exp "to take the low levels of lighting that you find on the streets."

P458 - measurement on ground not too accurate. used formula.

P459 - busy when he took measurements - lots of traffic.

P460 - not very satisfied with accuracy of readings W3rd

P461-2 W3rd - readings not reliable. but correct himself W4th.

P462 - W4th readings - a math formula.

P464 - Calculation P464-465

P465 - light meters - to verify calculations.

P465-6 variable to throw off - age of bulb.

P467-9. meter reading W4th - showed "Nothing's, barely moved.

"Barely moved. There was some light. but very small."

Copy 468-469

→ but makes a distinction between ground level + 5ft high

Copy P472 - the darker the person, the less light would reflect.

P473. silhouette lighting would make it easier to see black person than white.

P476 - finally "I can't really say."

p477. low levels of lighting.

10, 20, 30 ft candles in Ct.

p478. low level - need special meters.

p479 - ft candle - one standard candle - 1 ft away.

p480. W4m - little bit more $\frac{1}{2}$ a candle's worth.

p481. sun 10,000 ft candles.
light overcast 7,000 ft candles.

p481. under 1 ft candles, extremely low levels of light
 $1\frac{1}{2}$ - extremely low levels of light

Quote
this on
a card

p482. artificial additional problems in seeing - such as shadows.

p482-3 night light - more difficult not only because of low candle power

copy p484 - could read headlines in $1\frac{1}{2}$ ft candles - not the reg. type.

p485 - to read small print would have to hold closer to face.

copy p485-6 - to read small print about 1 ft from face.

copy p486. If someone were in motion, especially at low levels of light increases the difficulty to see + observe.

p488 - fractions of ft meters very small amounts of light.

p492. We see reflected light

copy p493 - black reflects less light.

copy p494 - the darker the less visible

Weinstein cont

p498 - ct - now don't get fresh in front of jury.

p503 - mercury vapor throws off very narrow spectrum of light.

p506 - Street light angled to focus over street.

Copy p507. Subway lights not to see

p507-8 - variation in spectrum of lights could wash out colors.

p510 - 3/4 inch ~~long~~ you could read.

PTL William Fredericks p513 - photos

p519 - photographs do not reflect lighting.

~~p~~ 539 - Could be wrong in estimations of distance

p543 - remembers Hornet at scene

p545 - Patrolmen, Sgts, Dets have memo books - part of their daily lives - fill in occurrences.

p547 - was daylight when photos were taken.

Nothing need
be copied from
this testimony

- p 554 - dispute in area of Purple Onion - to east.
between m N 35-40 5'6" + sailor. Cust.
- p 556-7 loud noise - Dowd - north side W 3rd mid block.
- p 557 - changes to 3rd near McD.
- 557-8 heard tire screech a little further west.
- 559 - car going "wildly"
- 561 - went to scene
- 563 - went into nearest bar to call help
- 563 - didn't question any witnesses to crime.
- 564 - where Sgt Kull was "generally well lighted."
- 565 - in his opinion could distinguish people 10-20 ft.
- 565 - Cust's car - a Dodge.
- 579-580 - Kull's car parked illegally 579-580.
- 587 - bars were closed or closing at time of Cust - small black man incident.
- 587 - area begins to quiet down around 1 am on a Sunday, to best of recollection wasn't much traffic in the area.
- 588 - bar lights off.
- 589 - by 4 bar lights off.
- 589-590. becomes darker with bar lights off.
- p 591-592. Describes Cust in detail but admits he has seen him close up in Ct.
- p 593. Although he observed Cust - small black man confrontation for from 1-2 min⁽⁵⁹¹⁾ didn't see it get hot or on ground.
- Copy p 594-5 Cust appeared to have been drinking - smelled a /whol.
- p 596 - heard loud noise 4:25 - 4:30.
- p 600-601. walked maybe 100 ft between noise & heavy Cust's car.

Dowd cont

- Copy P 607 - Cust did not encounter any traffic during Dowd from McD, West on 3rd, North on 6th Ave to scene. he moved rapidly.
- Copy 607-8 Not much traffic on 6th Ave. took less than 1 min.
- Copy 609 - still night time
- Copy as marked 609-610 - some there were lights in playground - April 3, 1967
- 610 D. A - concedes no lights.
- 614 - doesn't recall telephone booth.
but recalls well lit.
- 617 - Dowd didn't attempt to get description.
- 619 - Cust talking very rapidly, loudly, excitedly, away wildly.
- Copy 621. When he arrived in Area with Cust, saw no one (Where was Morris?)
- Copy 623 - Doesn't remember seeing witnesses to slaying.
- Copy 626 - Can't be sure of distances he could see.

Edward Powers - Savings + Loan - #628.

- 637 - strings of fluorescent lights
- 639-640 - on mezzanine which shine down on teller positions below.
other lights upper ceiling.
- 641 - 70% off on weekends. 30% to illuminate inside of bank + call attention to bank.
Bank doesn't have outside lights.

PTL Gardella 643 -

- 647 - saw maine bleeding.
- 652-3 - crowd of 50-75 near fence - went to hospital.

copy as marked

-> 653 lighters fair.

666-668. Believes that was a light fortune in playground.
Sawyer concedes none was there.

copy

674 common to see blacks + whites together in G. V.

675. Sunday nite slow.

677. Officers on scene Sgt Delaney - Quigg, Harrit, Rosenblum

678 - sailor talking to Dowd when Gardella arrived.

679 - Sgt Delaney ~~also~~ cleared people from scene.

John Kroll - 682 - 685

Nothing rel.

Robert Cust - 685

- P688 - liberty to 7:30 am Monday.
 689 arrived NYC 9 pm. Went to P.A. then Marginos
 7:30.
 689-690 - doesn't recall whether he had his money.
 690 - left Marginos 10-11
 went to east side to kill time - have a couple of drinks.
 691 - just beer.
 returned to P.A. - 1 am. went to bar.
 692. 3:00-3:30 decided to turn self in.
 693 - took A train. found deli - sand + beer. 4 am
 694-5. Man put arm around waist at corner.
 got mad. not in most pleasant language.
 choked him
 697 - crossed 6th Ave diagonally. ended up Purple Dragon.
 knocked him down.
- Copy 699 description of the black. 5'10" - 5'11"
 Copy 700 age 18-22 - light colored coat
 Copy 701-2 description of W - 5'7" - 5'8" 17-18
 Copy as recalled 702. possibly intoxicated
 703 - argument 5-10 minutes.
 704 - arm's reach.
 Copy 705-6 location -
 706 - no one raised fists
 JFM. 709. def walked away after Maime arrived
 710-711. Kull asked whether he wanted to finish off fight
 now that there was 2. said yes.
 712 at block at end of playground.
 Copy 717 When car was stopped Δ facing east

- Copy 717 - saw ^a ^{pull} gun. I take that back
- 720 - yelled he had gun (^{didn't} Why Mous didn't hear if
if was so close?).
- 722 - laid across front seat of car 30 sec. Neither in view
looked at kill - got back in car - went for Police.
- 723 - Drove wildly.
- Copy 723 state of shock
- 726 - went with uniformed officers
- Copy 727 - found bag down steps leading to
basement of building.
- Copy 729-730 - In fairness, was a true witness not
sure.

CROSS X starts 739

- Copy P732 - grand jury - couldn't identify photo
- P743-4 - grand testimony.
- grand jury PIC is Def B
- 746 telling the truth
- Copy 747 interview
- 749 - four employers.
- 750 - 20 years old 4/3/67

Cust cont ~~12~~

- 751. doesn't remember how he got home from Norfolk. or how much money. or when he arrived.
- 752. doesn't remember if he hit any bars in Cornwall or whether his parents were up when he got home.
- 753. or anything about Sat April 1, or about a girlfriend. or what he did.
- 754. Or when he got Sunday 4/2 or what he did. or where he ate. or whether he drank.
- 755. left Cornwall 7 pm

Copy

755. summary of no recollection.

758 - couple of beers → Magiro's
drinks whiskey.

760 - not sure of number of beers up to 11:00: 11:30

761 - went into 1-2-3 bus east side. doesn't know how much he had to drink.

Copy

762 - summary.

763-4 doesn't remember whether he had anything more to drink when he returned to Magiro's.

764 - took A train with

766 Believes he came out at 6th Ave.

Copy

772 - ran in street down 6th Ave.
traffic light

773 - 6'1/2"

774 - knocked man down.