

1970

LMS Notes: Bill of Particulars

Lewis Steel '63

From the desk of
LEWIS M. STEEL

Butler

Re: MAYNARD

Attached are

- ① Gussie Bill of Particulars - which includes exculpatory notes
- ② Docket sheet - showing motions, Ct appearances, etc.

With regard to exculpatory notes, you can argue that ~~business~~ notes, etc were ~~not~~ withheld at first trial. Compare exhibits for ident in the 2 trials. If the police notes would have been turned over as required by Posadis, we would have at least had more than 1 year additional time to track down witnesses.

Additionally, I would think that you could argue that the names of exculpatory witnesses must be →

turned over to defense counsel,
~~unopposed~~ irrespective of whether or
not a Brady motion is filed at the
lastest opportunity in interests of
justice + that bullshit.

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

PEOPLE OF THE STATE OF NEW YORK,

Indictment #

-against-

WILLIAM MAYNARD, Jr.,

Defendant.

S I R S :

PLEASE TAKE NOTICE that upon the indictment, the plea of not guilty, the motion for Bill of Particulars and upon such other proceedings had herein on behalf of WILLIAM MAYNARD one of the defendants in this cause, the undersigned will move this Court on the 11 day of August, 1970 or as soon thereafter as council can be heard for an order directing the District Attorney of New York County to produce for examination, inspection and copy certain items and evidence concerning the indictment in this cause as hereinafter more particularly requested in order that this defendant will have sufficient information and knowledge in order to permit him to file a Motion to Suppress Evidence, due to the fact that this defendant is not sufficiently apprised by the general allegations in the indictment and has not been furnished with sufficient particular allegations and information of the charges and allegations in the indictment to enable him to prepare an adequate defense and to prepare and present a Motion to Suppress Evidence.

Defendant requests the Court to order the prosecution to apprise this defendant whether any evidence was obtained, directly or indirectly, as a result of an arrest or search, and if the foregoing be in the affirmative, the surrounding circumstances to enable the defendant to determine whether a motion to suppress or other pre-trial motions are in order. To further order the State to forthwith deliver to this defendant any and all exculpatory evidence of any nature which has been discovered in the investigation of this cause and if any such evidence or witnesses are known to the State, that a complete list of the witnesses be furnished to this defendant together with a copy of a resume of such evidence which is in the possession of the State officials.

Search and seizure

Defendant further requests this Honorable Court to, forthwith, order the District Attorney in the above-entitled cause to disclose whither or not any evidence was secured by virtue of a search of the private residence of this defendant or if any evidence was obtained or discovered by virtue of the arrest or search of the private premises of the witness ~~Guinn~~ ~~not defendant~~. If either of the foregoing be in the affirmative, defendant further moves to order the District Attorney to furnish to this defendant a copy of any all process which the State utilized in securing said evidence.

To order the State to inform defendant in writing and under oath whether or not the State has secured indirectly any evidence by virtue of any arrest, search, or seizure, by any law enforcement officer or private individual.

To order the District Attorney to inform this defendant in writing and under oath whether any evidence was acquired by State officials indirectly as a result of the execution of any criminal process and if it be answered in the affirmative, then the State be ordered to forthwith produce for inspection and copy said process relied upon to secure said evidence.

Unless the State is ordered and compelled to produce the foregoing and answer the request of the defendant, he has no State remedy available to him to protect his Federally guaranteed Constitutional rights.

Defendant moves to require the State to produce for examination, inspection, and copying or photographing any and all evidence concerning ballistics, fingerprints, blood, or other stains or documents, papers, books, accounts, letters, photographs, objects, or other tangible things which are evidentiary or which are relevant or material to the case for the State in this case further, this defendant requests of any and all examinations that have been conducted by representatives of the State as to any and all ballistics, fingerprints, blood, and other stains, or in the alternative for the State to furnish to the defendant a portion or a representative sample of any and all of the foregoing in order that the defendant may conduct his own independent expert examination of the aforesaid evidentiary matters, and this defendant further requests this Honorable Court to specify the time, place, and manner of making the aforesaid inspection and making the copies and photographs as may be deemed necessary in the best interest of justice.

Defendant further moves to order the State to produce for inspection and examination any and all statements made by either the defendant or by the co-defendant ^{in another cause, witness in this cause} concerning the death or circumstances surrounding the death of the deceased.

Defendant moves for an order requiring the State to furnish a list of all of the witnesses that will appear in this cause in order that he may properly prepare her defense.

Defendant moves for an order to the District Attorney to permit defense counsel to inspect and copy and/or subject to scientific analysis the following tangible objects which are in possession of the State:

- a. Any and all confessions or admissions made by the defendant to the agents of the State and/or other peace officers or private individuals assisting the aforesaid authorities;
- b. Any and all other confessions or admissions made by the defendant to the authorities of the State, or any person working in conjunction or in connection with said authorities at any time or place which have been reduced to writing;
- c. Any and all other confessions or admissions made by the defendant to the authorities at any time or place whether reduced to writing or not;
- d. Any and all confessions or admissions made by the co-defendant ^{Quinn} in another cause or as witness in this cause at any time or place which incriminate the defendant and which have been reduced to writing;
- e. Any and all confessions or admissions made by the co-defendant ^{Quinn} in another cause or as witness in this cause at any time or place which incriminate the defendant whether reduced to writing or not;

f. Any and all other books, papers, documents, and tangible objects obtained from or belonging to the defendant or obtained from other by seizure or process or arrest.

g. To produce and itemize any and all evidence in the possession of the State or that was removed from the premises ^{where} ~~of~~ the deceased, ^{was lying} including but not limited to any and all clothing, material, ~~linens, blankets,~~ ^{bags, bullets} fingerprints, ~~furniture,~~ photographs, and any and all other items of evidence removed from said premises ~~of~~ the deceased. To produce any and all scrapings, removed from or about the body of the deceased and any all other evidence removed from or about the body of the deceased including samples of hair, if any in the possession of the State regardless of whether said samples were secured from the defendant, ~~co-defendant or~~ the ~~deceased~~ or any other person. To produce any and all photographs taken by the State or any representative thereof, or any photograph in the possession of the State concerning this cause. To produce for inspection and copying any photographs or letters or documents in the possession of the State written by ~~this~~ defendant or to ~~this defendant~~, by the ~~co-defendant~~, ~~or~~ by any ~~other~~ person.

The objects requested are material and necessary to the preparation of the defense, as follows:

a. The confessions or admissions of the ^{in another cause, witness in this cause} defendant and the co-defendant/are needed in order for the defense to properly advise the defendant and to prepare for trial; e.g., subject the statements to psycholinguistic analysis.

b. The confessions or admissions of ^{in another cause, defendant in this cause} co-defendant/which implicate the defendant are needed in order to support the defendant's motion for Relief ~~from~~

~~Prejudicial Joinder:~~
~~XXXXXXXXXXXXXXXXXXXX~~

c. The ~~XXXX~~ sheets, clothing, ~~bedspreads~~ coats, linens and other material to show absence of blood or hair from the defendant, ~~co-defendant~~ or the alleged victim;

d. The materiality and necessity for inspection of all other items requested will be demonstrated when said items have been indentified at the time of the hearing on this motion.

e. The exact date and time when it is alleged that the defendant committed the crime charged herein.

f. The exact date and time when it is alleged that the defendant committed the crime charged herein.

g. The exact place where the body was found.

This motion is made in good faith and not the purpose of delay or to engage in a fishing expedition. The requested items are in the possession of the State and cannot be examined prior to trial other than by order of this Honorable Court.

WHEREFORE, defendant, respectfully requests this Honorable Court to enter any and all appropriate orders to carry out the foregoing matters and for such other Orders as the Court may deem proper and appropriate.

Dated: July 30, 1970

Yours, etc.,

Gussie Kleiman
Attorney for Defendant
475 Fifth Avenue
New York, New York 10017