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Post-Trial Proceedings

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

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11-19-1971

## Correspondence: Commissioner of Corrections

Attica Correctional Facility

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11-60-71

To: H. Schwartz,  
Attorney

November 9, 1971

Mr. Russell G. Oswald  
Commissioner of Correction  
State Office Building  
Albany, New York 12225

Re: William A. Maynard, Jr.  
No. 27068, Attica

Dear Mr. Oswald:

At the request of my client, William A. Maynard, Jr., I am forwarding to you a copy of a letter which he delivered to Superintendent Vincent Mancusi, with regard to certain actions which are being taken against him at Attica.

Mr. Maynard has also sent us the charges which have been filed against him. I note that Mr. Maynard has already been punished and is now the subject of possible further administrative punishment for refusing to take a shower while in a segregated housing unit.

Mr. Maynard states that he refused to take a shower for three reasons:

(1) He is not allowed to use his own soap, but must use a communal bar;

(2) He is forced to walk to the shower and back to his cell naked, and is subjected to humiliating searches in the process. He is not allowed to even dry off before the return trip to his cell, and claims that this treatment imposes a serious health hazard, which is aggravated by the lack of adequate clothes presently being supplied to prisoners.

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November 9, 1971

Re: William A. Maynard, Jr.  
No. 27068, Attica.

3. Mr. Maynard states that he is in the habit of taking a cold shower and is not allowed to do this at Attica.

Mr. Maynard asserts that he can better look after his own sanitary and health problems in his own cell than be subjected to the above stated conditions.

As Mr. Maynard's attorney, I request that you supply me with any Department rules or regulations concerning the above subject, and inform me as to whether Mr. Maynard is in violation of such rules and regulations, and if so, how.

I enclose a copy of the charges which have been filed by prison authorities. I would appreciate hearing from you at your earliest convenience, as this matter is having a serious effect on my client's health and well-being.

Sincerely yours,

Daniel L. Meyers

DLM/cpm

Enc. 5

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES

STATE OF NEW YORK



# DEPARTMENT OF CORRECTIONAL SERVICES

GOV. A.E. SMITH  
STATE OFFICE BUILDING  
P.O. BOX 7033  
ALBANY, N.Y. 12225

RUSSELL G. OSWALD  
COMMISSIONER

November 15, 1971

Mr. Daniel L. Meyers  
Attorney at Law

Mr. Daniel L. Meyers, Attorney  
di Suvero, Meyers, Oberman, Steel  
351 Broadway  
New York, New York 10013

Dear Mr. Meyers:

Your letter of November 9, 1971, addressed to Commissioner Oswald, relating to your client William Maynard, has been referred to Supt. Mancusi at Attica Correctional Facility.

Mr. Mancusi will respond to your request directly.

Very truly yours,

*James J. Morrow*  
James J. Morrow  
Deputy Commissioner  
of Correctional Facilities

Very truly yours,

*Vincent N. Mancusi*  
Vincent N. Mancusi  
Superintendent

JJM:mef  
cc: Supt. Mancusi - AtCF

VJM/ces  
cc: Deputy Commissioner Morrow

11/23 copy to Schwartz

STATE OF NEW YORK  
DEPARTMENT OF CORRECTIONAL SERVICES  
ATTICA CORRECTIONAL FACILITY  
ATTICA, N. Y. 14011

NOV 22 1971



Vincent R. Mancusi  
Superintendent

November 19, 1971

Mr. Daniel L. Meyers  
Attorney at Law  
351 Broadway  
New York, New York 10013

Dear Attorney Meyers:

Your letter of November 9, 1971 to Commissioner Oswald has been forwarded to my office for answer.

In accordance with the request contained in the penultimate paragraph of your letter, please be advised that your client, William A. Maynard, Jr. T-27068, was reported because of his failure to obey a reasonable lawful command. Every inmate is required to take a shower at least once a week.

Further, Rule 5 of the Inmates' Rule Book states as follows: All orders must be obeyed promptly and fully before making any complaint. If an inmate believes an order to be unjust or has any complaint concerning an order or desires to complain concerning any action, he shall notify a staff officer who shall notify the Principal Keeper at the earliest opportunity.

Since your client did violate this lawful command, the proper disciplinary procedures were invoked in his case.

Very truly yours,

*Vincent R. Mancusi*

Vincent R. Mancusi  
Superintendent

VRM/cas

cc: Deputy Commissioner Morrow