
Motions

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

10-1970

Motion for Expert Authorization of Reasonable and Necessary Expert, Investigatory, and Other Services and Compensation

Lewis Steel '63

Daniel L. Meyers

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

PEOPLE OF THE STATE OF NEW YORK

-against-

WILLIAM A. MAYNARD, JR.,

Defendant.

Indictment No.
3937-67

MOTION FOR AUTHORIZATION
OF REASONABLE AND NECES-
SARY EXPERT, INVESTIGA-
TORY AND OTHER SERVICES
AND COMPENSATION

SIR:

PLEASE TAKE NOTICE that upon the annexed affidavit of Lewis M. Steel, attorney for the defendant, verified the 4th day of October, 1970, and all the prior proceedings, the undersigned will move this Court at a time to be set by the Court for an order, pursuant to Article 18-B, Section 722-c of the County Law, authorizing expenditures for the employment of reasonable and necessary experts, investigatory and other services, to wit, a lighting expert, a handwriting expert, investigative services, and process service, and for such other and further relief as to this Court may seem just and proper in the case of the People of the State of New York against William A. Maynard, Jr., in which the defendant is charged with Murder in the First Degree.

Dated: October 5, 1970

New York, New York

Respectfully submitted,

TO: HON. FRANK S. HOGAN
District Attorney
New York County

CLERK
Supreme Court
New York County

Lewis M. Steel
diSuvero, Meyers, Oberman &
Steel
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New York, New York 10013
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Daniel L. Meyers
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350 Broadway
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Of Counsel

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

- - - - -X

PEOPLE OF THE STATE OF NEW YORK,

Indictment No. 3937-67

-against-

ORDER AUTHORIZING SERVICES OTHER THAN COUNSEL UNDER ARTICLE 18-B OF THE COUNTY LAW, SECTION 722-c

WILLIAM A. MAYNARD, JR.,

Defendant.

- - - - -X

CHARGE: Murder in the First Degree

After an appropriate inquiry of defendant's financial status and being satisfied that the above named defendant is financially unable to obtain investigative, expert or other services necessary to an adequate defense in his case,

IT IS ORDERED that Counsel shall be authorized to obtain the necessary and reasonable services required herein in accordance with Article 18-B, Section 722-c of the County Law, to wit, Lighting expert, Handwriting expert, Investigative services, and Process Service, and

IT IS FURTHER ORDERED that such persons upon rendition of such services shall be authorized to present to the Court a claim for compensation.

DATED: October , 1970

Justice of the Supreme Court of the
State of New York

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

- - - - -X

PEOPLE OF THE STATE OF NEW YORK,

Indictment No. 3937-67

-against-

AFFIDAVIT

WILLIAM A. MAYNARD,

Defendant.

- - - - -X

Lewis M. Steel, an attorney duly admitted to practice law in the State of New York, being duly sworn deposes and says:

1) I am an attorney for the defendant in the above titled action, which is an indictment for murder in the first degree, and make this affidavit in support of a motion to have this Court issue an order pursuant to Article 18-B, Section 722-c of the County Law authorizing counsel to employ the services of reasonable expert, investigatory and other services, to wit, a lighting expert, investigative services, handwriting expert, and process service, necessary to the preparation and presentation of an effective defense in the instant matter. I formally became involved in the case as counsel on September 28, 1970.

2) The defendant has been indicted and charged with the crime of murder in the first degree. The charges arose out of an incident involving the shooting of a Marine in Greenwich Village, New York County, in April of 1967. The shooting occurred on West Fourth Street at or about 4:00 A.M. on the morning of April 3, 1970. The defendant's first trial, which resulted in a hung jury, took place in May and June of 1969. The defendant has been in jail, unable to raise the bail of \$50,000 and has thus been prevented from participating in any meaningful way in the preparation of his case for retrial.

3) The defendant has, prior to my participation in the case, had court appointed counsel, and therefore his status of total indigency is a matter of record. I am serving without fee and know of no new facts which would alter the defendant's status. It is thus essential for this Court, pursuant to the authority granted to it by Article 18-B, Section 722-c of the County Law, to author-

ize counsel for the defendant to obtain the services of those experts without whose aid no real defense will be possible in the instant case.

4) I accordingly request the Court's authorization to obtain the services of the following personnel: a lighting expert, a handwriting expert, a private investigator, and a process server.

5) At the defendant's first trial, which took place in 1969, the State introduced testimony of a lighting expert in order to demonstrate that there was adequate lighting at the scene of the shooting. The defense requires the services of a lighting expert in order to effectively rebut the State's expert testimony on this matter, should such testimony again be introduced, and to affirmatively establish the impossibility of eyewitness identification at the scene of the crime.

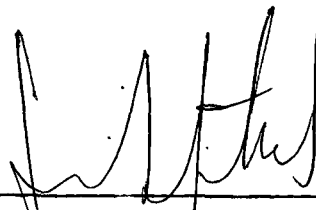
6) Defense counsel has already employed the services of a handwriting expert for purposes fully set forth in my annexed affidavit made in support of a motion for a new Huntley hearing. Counsel seeks, pursuant to Article 18-B, Section 722-c of the County Law, authorization of and an order directing compensation for these services nunc pro tunc, as well as authorization to arrange for in court expert handwriting testimony.

7) The passage of time since the defendant was first arrested and charged in this matter makes it imperative to engage the services of a private investigator to help locate several witnesses, whose testimony is crucial to the defense and whose whereabouts are currently unknown, despite the efforts of counsel to locate them.

8) Defense counsel requires authorization for the employment of a process server to ensure the presence at trial of all defense witnesses.

9) Upon information and belief, no previous application for the relief sought and requested herein has been made.

WHEREFORE, you affiant respectfully asks that an order directing the employment of said expert witnesses to assist in the preparation of defendant's case be entered by this Court.



Lewis M. Steel

Sworn to before me this
4 day of October, 1970.

DANIEL L. MEYERS
Notary Public, State of New York
No. 24-2684910
Qualified in Kings County
Comm. expires March 30, 1971

NOTARY PUBLIC