

1-11-1971

**Affidavit and Notice of Motion for a New Trial (Indictment No
3937/67)**

Lewis Steel '63

SUPREME COURT OF THE STATE OF NEW YORK
NEW YORK COUNTY

PEOPLE OF THE STATE OF NEW YORK,

-against-

WILLIAM A. MAYNARD, JR.,

NOTICE OF MOTION

INDICTMENT NO. 3937/67

SIRS:

PLEASE TAKE NOTICE that upon the annexed affidavit of Lewis M. Steel duly sworn on the 11th day of January 1971, and upon all the pleadings and proceedings heretofore had herein, the undersigned will move this Court in Part 33 thereof, at the Courthouse, 100 Centre Street, New York, New York, on the 12th day of January, 1971, at 10:00 A.M. or as soon thereafter as counsel can be heard, for an order setting aside the verdict and granting the defendant a new trial or in the alternative order a hearing, pursuant to Section 465 (3) and (4) of the Code of Criminal Procedure, and for such other and further relief as to the Court may seem just and proper.

DATED: New York, N.Y.

11th day of January, 1971

Yours, etc.
Lewis M. Steel
Daniel L. Meyers
di Suvero, Meyers, Oberman
& Steel
350 Broadway
New York, N.Y.

TO: Frank S. Hogan
District Attorney
100 Centre Street
New York, N.Y.

Clerk
Supreme Court
New York County

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

-----X
THE PEOPLE OF THE STATE OF NEW YORK,

-against-

Indictment No.

3937/67

WILLIAM A. MAYNARD, JR.,

Defendant.

-----X
STATE OF NEW YORK)

) SS.:

COUNTY OF NEW YORK)

LEWIS M. STEEL, being duly sworn, deposes and says:

1. I am one of the attorneys for the defendant, William A. Maynard, Jr., in the above captioned matter, and make this affidavit in support of a motion for a new trial based upon the Code of Criminal Procedure, § 465 (3) and (4).
2. Immediately after the jury returned a verdict of manslaughter in the first degree on December 9, 1970, I interviewed some of the jurors in the case. Two of those jurors, Louise Carmen and Rose Moskowitz told me that another juror, who they would not name, had been extremely "narrow minded" during the deliberations. These jurors, however, would not tell me what had occurred because they said that the members of the jury had entered into an agreement not to discuss their deliberations.
3. During the week of January 4, 1971, I had occasion to interview another juror, Carolyn Boncher. On January 6 and 8, 1971, she told me that one of the jurors, Peter Lisi, had, in the early stages of the deliberations, become highly emotional and extremely agitated when the discussion turned to Mr. Maynard's relationship with a woman named Giselle Nicole Quinn. Miss Boncher told me that in substance Mr. Lisi had pounded on the table and said in substance that any man who would violate the laws of God and the laws of the Church would violate the laws of man. According to Miss Boncher, Mr. Lisi's face was contorted in anger during his outburst. Miss Boncher said that Mr. Lisi's remark touched off a loud and emotional argument in the jury room.
4. My conversations with Miss Boncher also reveal that the

jury, as a panel, violated the prohibition contained in the Code of Criminal Procedure § 465 (3) against separating without leave of the Court after retiring to deliberate upon their verdict. Miss Boncher informed me that during one period when the deliberations were almost completely bogged down, the jury determined to break up into small groups and thereafter deliberated in these groups approximately three hours. During this period, some jurors changed their votes as a result of deliberations which Miss Boncher said she did not hear.

9. The separation of jurors denies the defendant substantial rights especially in light of the allegation that one juror was overtly prejudiced against him. The danger of prejudice spreading to infect other jurors is greater when the remarks of one are not heard by all.

10. On January 7, 1971, I spoke with another juror, Winifred LeVay. She confirmed Miss Boncher's statements with regard to Mr. Lisi and the separation of the jurors.

11. No previous application for relief has been made upon this ground.

DATED: WHEREFORE, I respectfully request that the verdict of the jury be set aside and the defendant be given a new trial, or in the alternative, that a hearing be ordered to determine the issues raised herein.

Lewis M. Steel
Daniel L. Meyers
di Suvero, Meyers, Oberman
& Steel
350 Broadway

LEWIS M. STEEL

Sworn to before me this
10th day of January, 1971

NOTARY PUBLIC

CAROLYN P. MANNING
Notary Public, State of New York
No. 03-7700450
Qualified in Bronx County
Commission Expires March 30, 1972

11 JAN 11 AM 3:00