

1B. 871

1965

PROCEEDINGS

ASSIGNED TO

*Perman 11/15/65*

DATE  
DISTRICT ATTORNEY  
COUNTY OF NEW YORK

Note—Endorsements to be made in ink. Chief Clerk is directed not to accept papers until this is done.

Against	GRAND JURY	Date on Calendar	Assistant	Case Adjudged to	Judge Presiding	Notes	
1846 THOMAS HAGAN A/K/A TALMADGE HAYER A/K/A THOMAS HAYER AND 1845 NORMAN BUTLER A/K/A NORMAN BZ BUTLER THOMAS JOHNSON A/K/A THOMAS 15X BUTLER WITH A. D. A. FOR CO-DEFT. (4) SEE FILE NO. WITH A. D. A. FOR OTHER CASES (S) AGAINST SAME DEFT. B # Date of Complaint 196 Offense murder Officers Precinct Date of Indictment 3/10/65 196 Plead Not Guilty 4/1/65 196 Leave to Withdraw by 196 COMMITTED. 3/10/65 SC	Regular	196		196			
	Additional	196		196			
	Extraordinary	196		196		from Pocket Book	
	Defendant Requests	196		196			
	Hearing MOTION	196		196			
	Part	20 3/12 1965		3/18	1965	Williams	
		34 March 1966	Dermody		196	Quinn	C. & G. #1 (J. H. Ham) Peter Schmitt, architect for Tyler + Alfeld. Consent for trial on Dec. 6, 1967.
		37 Dec 6 1966	Dermody		196	Marks	Quinn - Case on trial - adj. to Jan 3, 1966
		37 Jan 3 1966			196		
		37 March 1966			196		3 Depts convicted of Murder #1 Sgt. det. - April 14, 1966 - 3 Depts taken to Psych Hospital 133P-2047-1215 Peter Schmitt #1 Andrew R. Tyler 30 Vesey St #2-0266 Fritz Alexander 401 B'way W 45-3200
				196		OH - Joseph B. Williams 1261 Fulton St. ST 3-7007 W.C. Clouse 225 B'way #3 Joseph Pinkney 306 Lenox Ave ST 9-9020 Charles Beavers 209 W 125th St MO 6-0130	

*Post Sentencing in on Gordon Yellow*  
D#1 A.A.F. after F. self-protection  
D#2 J. B. Williams + W.C. Clouse  
D#3 P. Rubingy + C. Beavers  
Control

No. 87-65  
I.B.

Filed 3/10/65  
day of 1965

*all*  
Pleads 11/1/65

*Delemon*

Hail

THE PEOPLE OF THE STATE OF NEW YORK

—against—

THOMAS HAGAN, a/k/a TADMADGE HAYER, *P*  
a/k/a THOMAS HAYER, NORMAN BUTLER, *P*  
a/k/a NORMAN 3X BUTLER, and *P*  
THOMAS JOHNSON, a/k/a THOMAS 15X  
JOHNSON, *P*

(N.A.)

Defendants.

INDICTMENT  
MURDER FIRST DEGREE  
Penal Law Section 1041

FRANK S. HOGAN,  
District Attorney

A True Bill.

Foreman

SUPREME COURT OF THE STATE OF NEW YORK

~~GENERAL SESSIONS~~

COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

—against—

THOMAS HAGAN, a/k/a TALMADGE HAYER,  
a/k/a THOMAS HAYER, NORMAN BUTLER,  
a/k/a NORMAN 3X BUTLER, and  
THOMAS JOHNSON, a/k/a THOMAS 15X  
JOHNSON,

Defendants.

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

The defendant~~s~~, in the County of New York, on or about **February 21, 1965,**  
**wilfully, feloniously and of malice aforethought shot and killed**  
**Malcolm Little, a/k/a Malcolm Shabazz, a/k/a Malcolm X, with a**  
**shotgun and pistols.**

FRANK S. HOGAN

District Attorney

Counsel

No. 453  
I. B.

Filed

day of

19

THE PEOPLE OF THE STATE OF NEW YORK

—against—

THOMAS HAGAN, a/k/a TALMADGE HAYER,  
a/k/a THOMAS HAYER, NORMAN BUTLER,  
a/k/a NORMAN 3X BUTLER, and  
THOMAS JOHNSON, a/k/a THOMAS 15X  
JOHNSON,

(N.A.)

Bail

Defendants.

INDICTMENT

MURDER FIRST DEGREE

Penal Law Section 104.1

FRANK S. HOGAN,

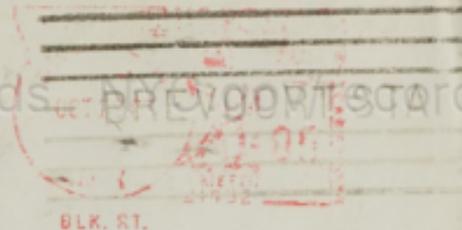
District Attorney

A True Bill

Foreman



*Joseph B. Williams*  
*1261 Fulton Street*  
*Brooklyn, N. Y. 11216*



District Attorney-New York County

155 Leonard Street

New York, New York

*M. Herman Ryan*

RECEIVED

INDIVIDUAL VERIFICATION

STATE OF NEW YORK,  
CITY OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.:

\_\_\_\_\_ , being duly sworn, deposes and says that he is the \_\_\_\_\_ in the within action; that he has read the foregoing \_\_\_\_\_ and knows the contents thereof; that the same is true to his own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

CORPORATION VERIFICATION

STATE OF NEW YORK,  
CITY OF \_\_\_\_\_ }  
COUNTY OF \_\_\_\_\_ } ss.:

\_\_\_\_\_ is the \_\_\_\_\_ of the \_\_\_\_\_, being duly sworn, deposes and says that he is the \_\_\_\_\_ of the \_\_\_\_\_ read the foregoing \_\_\_\_\_ and knows the contents thereof, and that the same is true to his own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters he believes it to be true.

Deponent further says that the reason this verification is made by deponent and not by the \_\_\_\_\_ is because the said \_\_\_\_\_ corporation, and deponent an officer thereof, to wit its

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

AFFIDAVIT OF PERSONAL SERVICE

STATE OF NEW YORK }  
CITY OF \_\_\_\_\_ } ss.:

\_\_\_\_\_ being duly sworn, deposes and says, that he is over the age of \_\_\_\_\_ years. That on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at No. \_\_\_\_\_ in the \_\_\_\_\_ he served the foregoing \_\_\_\_\_ upon \_\_\_\_\_ by delivering to and leaving personally with said \_\_\_\_\_

a true copy thereof. Deponent further says, that he knew the person served as aforesaid, to be \_\_\_\_\_

the person mentioned and described in said \_\_\_\_\_ as the \_\_\_\_\_ therein.

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK }  
CITY OF \_\_\_\_\_ } ss.:

\_\_\_\_\_ , being duly sworn, deposes and says that he is \_\_\_\_\_ the attorney for the above named \_\_\_\_\_ herein. That on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ he served the within \_\_\_\_\_

upon \_\_\_\_\_ the attorney for the above named \_\_\_\_\_ by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post-Office—a Branch Post-Office—a Post Office Box regularly maintained by the United States Government at \_\_\_\_\_ in said County of \_\_\_\_\_ directed to said attorney for the \_\_\_\_\_ at No. \_\_\_\_\_ N. Y., that being the address within the State designated by \_\_\_\_\_ for that purpose upon the proceeding papers in this action, or the place where \_\_\_\_\_ then kept an office between which places there then was and now is a regular communication by mail.

Deponent is over the age of \_\_\_\_\_ years

Sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

19  
PLEASE TAKE NOTICE that the  
within is a true copy of a  
this day duly filed and entered in the office  
of the clerk of the  
Dated, N. Y., 196

Yours, & c.,  
JOSEPH B. WILLIAMS

Attorney for \_\_\_\_\_  
(Office and Post Office Address)  
1261 FULTON STREET  
Borough of Brooklyn 16, New York City  
To \_\_\_\_\_ Esq. "

Attorney for \_\_\_\_\_

PLEASE TAKE NOTICE that

of which the within is a true copy, will be  
presented for settlement and signature hereon to  
Mr. Justice  
one of the Justices of the within named  
Court at \_\_\_\_\_

Borough of \_\_\_\_\_  
in the City of New York  
on the \_\_\_\_\_ days of \_\_\_\_\_ 196  
at \_\_\_\_\_ o'clock in the forenoon.  
Dated, N. Y., 196

Yours, & c.,  
JOSEPH B. WILLIAMS

Attorney for \_\_\_\_\_  
(Office and Post Office Address)  
1261 FULTON STREET  
Borough of Brooklyn 16, New York City  
To \_\_\_\_\_ Esq. "

Attorney for \_\_\_\_\_

Index No. \_\_\_\_\_ 19  
SUPREME COURT OF THE STATE OF  
NEW YORK  
COUNTY OF NEW YORK  
THE PEOPLE OF THE STATE OF  
NEW YORK,

Plaintiff,

-against-

NORMAN BUTLER, et al.,  
Defendants.

**APPENDIX**

JOSEPH B. WILLIAMS

Attorney for Defendant-Butler

(Office and Post Office Address)  
1261 FULTON STREET  
Borough of Brooklyn 16, New York City

To \_\_\_\_\_ Esq. "

Attorney for \_\_\_\_\_

Service of a copy of the within

is hereby admitted.

Dated, N. Y., 196

Attorney for \_\_\_\_\_

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65 OCT 13 AM 10:52

DISTRICT ATTORNEY  
NEW YORK COUNTY

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 08-14-2011 BY 60322 UCBAW/STP

DISTRICT ATTORNEY'S OFFICE  
NEW YORK COUNTY

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

1965 OCT 13 AM 10 07

-----X

THE PEOPLE OF THE STATE OF NEW YORK,  
Plaintiff,

SEARCHED	INDEXED
SERIALIZED	FILED
OCT 13 1965	
FBI - NEW YORK	

-against-

NORMAN BUTLER, et al.,

Defendants.

-----X

STATE OF NEW YORK )  
COUNTY OF KINGS )SS:

JOSEPH B. WILLIAMS, being duly sworn, deposes and  
says:

1. That I am the attorney for NORMAN BUTLER, also known as NORMAN 3X BUTLER, one of the defendants in the above entitled action, who was indicted by the Grand Jury of New York County for Murder in the First Degree with two (2) other persons.

2. That the matter appeared on the calendar in the New York City Criminal Court on at least three (3) occasions and was adjourned on the application of the District Attorney over the objection of the defendant.

3. That your deponent thereafter instituted a proceeding by way of a Writ of Habeas corpus, which said Writ was disallowed without hearing any testimony upon the District Attorney's statement that he was presenting the matter to the Grand Jury immediately.

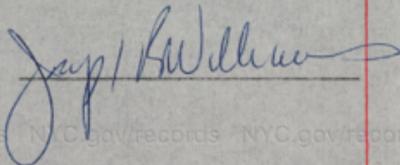
4. That up to this point, not one person has come forward to place the defendant, NORMAN BUTLER, at the scene of this crime, nor has any one connected him in any way with the other co-defendant who was arrested on the scene.

5. That upon information and belief, no witness

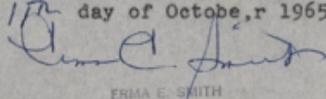
before the Grand Jury has placed the defendant at the scene, but on the contrary there is testimony given by at least two (2) witnesses which places the defendant at a place other than the scene of the crime.

6. That I am informed, and I believe that the only witness placing the defendant at the scene of the crime is a Police Officer, whose testimony is based upon an earlier arrest for a different charge, and hearsay information which he received from a person or persons who were not witnesses before the Grand Jury, and I submit that this testimony was insufficient, as a matter of law of warrant the findings of the indictment. Accordingly, this motion, for the relief sought, for which no previous application has been made, is made for the purpose of enabling the defendant to move for a dismissal of the indictment.

WHEREFORE, it is respectfully requested that an order be granted permitting the defendant to inspect the minutes of the Grand Jury.



Sworn to before me this  
15<sup>th</sup> day of October, 1965.



ERMA E. SMITH  
Notary Public, State of New York  
No. 24-3722375

Qualified in Kings County  
Expiration Expires March 30, 1967

By Mr.

PEOPLE, &C., v. ...  
MAN—Motion for a bill of ...  
is denied as being academic ...  
far as the district attorney has ...  
ready complied with the demand.

PEOPLE, &C., v. FRANCES CRAY-  
TON, Elaine Bibuld, Joyce Schurik,  
Paul Heinegg, Isaiah Brunson, Ken-  
neth Rice, Howard Quander and  
Herbert Callender (C6712, C6721,  
B3022, B3029) — Motion that the  
charges be prosecuted by indictment  
is in all respects denied.

PEOPLE, &C., v. NORMAN BUT-  
LER (871-65)—This is a motion to  
inspect the grand jury minutes on  
behalf of the defendant Norman  
Butler. The court having read the  
grand jury minutes, the motion is in  
all respects denied. 28 Oct 21 1965

### SURROGATE'S COURT

By Mr. Surrogate Di Falco.

ESTATE OF ANTHONY  
PALERMO (Republished)—Con-  
tion of the decedent's will is rec-  
this proceeding to ascertain  
at which certain ...  
s made in paragraph ...  
shall be deemed ...  
paragraph seven ...  
follows: "

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STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within found to be a true and complete copy. has been compared by the undersigned with the original and

Dated: .....

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows that deponent is the attorney (s) of record for in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: .....

STATE OF NEW YORK, COUNTY OF

ss.: INDIVIDUAL VERIFICATION

deponent is the , being duly sworn, deposes and says that read the foregoing in the within action; that deponent has and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF

ss.: CORPORATE VERIFICATION

of , being duly sworn, deposes and says that deponent is the named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. This verification is made by deponent because the corporation. Deponent is an officer thereof, to-wit, its The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF

ss.: AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at That on the day of 19 deponent served the within attorney (s) for upon in this action, at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in -- a post office -- official depository under the exclusive care and custody of the United States post office department within the State of New York. Sworn to before me, this day of 19

STATE OF NEW YORK, COUNTY OF

ss.: AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at That on the day of 19 at No. deponent served the within upon the herein, by delivering a true copy thereof to h personally. Deponent knew the person so served to be the person mentioned and described in said papers as the the. Sworn to before me, this day of 19

NOTICE OF ENTRY

Sir: - Please take notice that the within is a (certified) true copy of a daily entered in the office of the clerk of the within named court on

19

Dated,

Yours, etc.,

**WILLIAM C. CHANCE, JR.**

Attorney for

Office and Post Office Address  
**225 BROADWAY**  
NEW YORK, N. Y. 10007

To

Attorney for

NOTICE OF RETURN

Sir: - Please take notice that an order of which the within is a true copy will be presented for settlement to the Hon.

one of the Judges of the within named Court, at

on the day of 19  
at M. 19  
Dated,

Yours, etc.,

**WILLIAM C. CHANCE, JR.**

Attorney for

Office and Post Office Address  
**225 BROADWAY**  
NEW YORK, N. Y. 10007

To

Attorney for

*Admitted # 871*  
Yer 1965

SUPREME COURT OF THE STATE OF NEW YORK  
COMMITTEE OF NEW YORK: SPECIAL TERM PART I

THE PEOPLE OF THE STATE OF NEW YORK  
On the Relation of

**NORMAN BUTLER a/k/a NORMAN X BUTLER**

Relator

-against-

**ALBERT N. SENNA, Deputy Warden-in-Command**  
For the Men House of Detention, 125 White  
Streets, New York, New York

Respondent

**JOSEPH OF HABEAS CORPUS**

**WILLIAM C. CHANCE, JR.**

Attorney for Relator

Office and Post Office Address  
**225 BROADWAY**  
NEW YORK, N. Y. 10007  
CONTINANT 75844

To

Attorney for

Service of a copy of the within  
is hereby admitted.

Dated,

Attorney for

*Original  
Spec 2*

*Sept 20/65*

*2 T dm*

DISTRICT ATTORNEY  
NEW YORK COUNTY

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65 SEP 17 PM 1:18

Indict # 871/65

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: SPECIAL TERM PART II

-----x-----  
THE PEOPLE OF THE STATE OF NEW YORK

On the Relation of *William C. Chance Jr. AND Joseph B. Williams*  
*on behalf of*  
NORMAN BUTLER a/k/a NORMAN X BUTLER

Relator,

-against-

ALBERT N. MENNA, Deputy Warden-in-Command  
*of* *for New*  
~~for the Men House of Detention, 125 White~~  
~~Street, New York, New York,~~

Respondent  
-----x-----

THE PEOPLE OF THE STATE OF NEW YORK TO:

ALBERT N. MENNA, Deputy Warden-in-Command  
*of* *for New*  
~~for the Men House of Detention, 125 White~~  
Street, New York, New York

WE COMMAND YOU, that you have the body of said NORMAN BUTLER a/k/a NORMAN X BUTLER, by you imprisoned and detained, as it is said, together with the time and cause of such imprisonment and detention, by whatsoever name he shall be called or charged, before ~~the Honorable~~ \_\_\_\_\_, one of the Justices of the Supreme Court, presiding at Special Term Part II at the Court-house located at 60 Centre Street, in the Borough of Manhattan, New York, New York, on the 20<sup>th</sup> day of September, 1965, at ~~9:30~~ *2:00 P.M.* A.M., in the ~~forenoon~~ *after*, to do and receive what shall then and there be considered concerning him, and have you then and there this writ.

WITNESS, Honorable *Nothard T. Heckman*, one of the Justices of the Supreme Court, the 16<sup>th</sup> day September, One Thousand

WV

Nine Hundred and Sixty-Five.

WILLIAM C. CHANCE, JR., ESQ.  
Office & P. O. Address  
225 Broadway  
New York, New York 10007

CO 7-5949

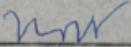
JOSEPH B. WILLIAMS, ESQ.  
1261 Fulton Street  
Brooklyn, New York

ST 3-7007

ATTORNEYS FOR RELATOR

The within writ is hereby allowed this

16<sup>th</sup> day of September, 1965

  
\_\_\_\_\_  
JUSTICE OF THE SUPREME COURT

*of the State of New York*

*Nathaniel T. Helman*

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK: SPECIAL TERM PART II

-----x  
THE PEOPLE OF THE STATE OF NEW YORK

On the Relation of *William C. Chance Jr. AND Joseph B. Williams*  
*on behalf of*  
NORMAN BUTLER a/k/a NORMAN X BUTLER

Relator,

-against-

ALBERT N. NENNA, Deputy Warden-in Command  
~~for the Men House of Detention, 125 White~~  
~~Street, New York, New York~~ *for New*

Respondent.

-----x  
TO THE SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK:

JR.

The Petition of WILLIAM C. CHANCE, ESQ., and JOSEPH  
B. WILLIAMS, ESQ., for a writ of habeas corpus respectfully  
shows to this Court and alleges:

FIRST: That they are the attorneys for the Relator,  
NORMAN BUTLER a/k/a NORMAN X BUTLER, the person on whose behalf  
this application is made.

SECOND: That the said NORMAN BUTLER a/k/a NORMAN  
X BUTLER, is imprisoned and restrained of his liberty at the  
*Men House of Detention* *for New*  
Men House of Detention at 125 White Street, New York, New York,  
and the officer or person by whom he is so imprisoned or re-  
strained is Albert N. Nenna, Deputy Warden-in-Command at the  
aforesaid Men House of Detention.

THIRD: That he has not been committed and is not de-  
tained by virtue of any judgment, decree, final order, or pro-  
cess or mandate issued by a Court or Judge of the United States,  
in a case where such Court or Judges have exclusive jurisdiction  
under the laws of the United States, or have acquired exclusive  
jurisdiction by the commencement of legal proceedings in such

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Court, or by virtue of a final judgment or decree of a competent tribunal made in a special proceeding, instituted for any cause, except to punish him for contempt; or by virtue of any execution

✓ or process issued upon such a judgment, decree or final order, and that a Court or Judge of the United States does not have exclusive Jurisdiction to order him released.

FOURTH: That the cause or pretense of the imprisonment or restraint according to the best knowledge and belief of your petitioner is a certain commitment issued by the Supreme Court of New York County based upon Indictment No. 871-65, charging the said relator with the crime of Murder in the First Degree.

FIFTH: That the imprisonment and restraint of the relator are illegal, in that no legal basis exist to justify his unlawful arrest and illegal restraint. Petitioner also respectfully shows the Court that on the 21st day of February, 1965, Malcolm X Little was shot in the Audubon Ballroom at 654 West 166 Street, in the City of New York. Sometime thereafter the said Malcolm X Little died from the aforesaid shot. Subsequent thereto, the relator, NORMAN BUTLER a/k/a NORMAN X BUTLER, was arrested at 661 Rosedale Avenue, Bronx, New York, on February 26, 1965, by Officer Ferdinand Cavollavo of the 34th Detective Squad of the New York City Police Department. The complaint upon which the relator was arrested stated that as a result of information received and investigation made there was reasonable cause to believe that NORMAN BUTLER a/k/a NORMAN X BUTLER acted in concert with others in shooting Malcolm X Little. Thereafter and on or about March 10, 1965, the Grand Jury of New York County returned Indictment No. 871/65 against the relator charging him with acting in concert with others in assaulting Malcolm X Little and causing his death. Petitioner submits that the above narration of facts reveals that the relator herein was not arrested until five days after the alleged crime was committed and his arrest was based solely upon information received and an alleged investigation,

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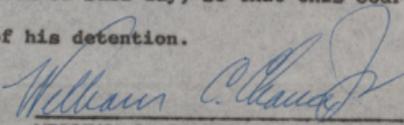
which upon information and belief, fell short of proof that the relator was ever at the scene where the alleged crime charged was committed or that the relator actually participated in the alleged murder of Malcolm X Little. Moreover, the information allegedly received by the arresting officer did not show relator's probable guilt of the crime charged, nor did it establish that the relator aided and abetted others in assaulting Malcolm X. Little, thereby causing his death. In addition thereto, and upon information and belief, the aforesaid information which was received by Officer Cavollavo was obtained illegal and in violation of relator's Statutory and Constitutional rights because our statute does not permit simple hearsay to become the basis of a criminal proceedings.

People ex rel Livingston v. Wyatt, 186 N.Y. 383; People v Taylor, 159 Misc. 36, 289 N Y S 668.

Petitioners respectfully submit that in view of the foregoing the relator is being unlawfully and illegally deprived of his liberty in violation of his Constitutional rights and under the circumstances the relief herein prayed should be granted. *No. previous application has been made for the relief herein requested.*

WHEREFORE, your Petitioners pray that a writ of habeas corpus issue, directed to Albert N. Nenna, Deputy Warden-in-<sup>Manhattan</sup> Command for the ~~Men~~<sup>For Men</sup> House of Detention, 125 White Street, New York, New York, or whosoever has custody of NORMAN BUTLER a/k/a NORMAN the X BUTLER, relator herein, commanding him to produce the body of the said NORMAN BUTLER a/k/a NORMAN X BUTLER, before this Court at Special Term Part I, thereof on the \_\_\_\_\_ day of September, 1965, at \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon of said day, so that this Court may inquire into the legality of his detention.

Dated: September 1965

  
WILLIAM C. CHANCE, JR.  
Attorney for Relator

JOSEPH B. WILLIAMS  
Attorney for Relator

STATE OF NEW YORK )  
 ) SS,  
COUNTY OF NEW YORK )

WILLIAM C. CHANCE, JR., being duly sworn, deposes and says: That he is the attorney for the Relator herein, that he has read the foregoing Petition and knows the contents thereof, that the same is true to his own knowledge except as to matters therein stated to be alleged on information and belief, and that as to those matters he believes it to be true.

*William C. Chance, Jr.*  
\_\_\_\_\_  
WILLIAM C. CHANCE, JR.

Sworn to before me this

16<sup>th</sup> day of September, 1965

*Abe Schultz*  
Abe Schultz  
Notary Public State of New York  
No. 24-8857075 Qualified in Kings Co.  
Certificate filed in New York County.  
Commission Expires March 30, 1966/1966

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NYC.gov/records  
d. v. re  
DRP'N  
tion  
olution  
far as  
improve-  
property  
moves  
defend-  
NY plain-  
answer.  
Bright-  
ervene  
ndant  
1955

zoning resolution/records  
constitutional  
change of zoning to  
proposed intervenor's case  
plaintiff will be canceled. It is thus  
evident that the lessee has a direct  
and pecuniary interest which will be  
affected by the outcome of this action.  
Under such circumstances intervention  
is appropriate (Levine v. Town of  
Oyster Bay, 40 Misc. 2d 605). ¶Settle  
order on notice.

By Mr. Justice Williams.

#### ORDERS SIGNED

DENBY v. Isaac Engel Realty Co.,  
Inc.; DIRZAWAIT v. Papaluickiene;  
MILLER v. Floulo; BECK v. Harry  
M. Stevens, Inc.; PERLMUTTER v.  
N. Y. City Transit Authority; SAN-  
TIAGO v. Clark; CORSES v.  
Schwarz.

#### SPECIAL TERM, PART II.

By Mr. Justice Pino.

#### ORDERS SIGNED

ISAKOFF v. Quincy Realty Co.,  
Inc.; PURCELL v. Vidra; SEID v.  
Blitt; ADELMAN v. L. J. Aksman &  
Co.; WOODS v. Loscialo; SCTO  
v. Board of Education; WEINSTEIN  
v. [unclear]; KIAMEHA  
v. [unclear]

NYC.gov/records  
former  
County  
November 25, 1958, con-  
the defendant, on his plea  
of guilty, of the crime of murder  
in the second degree, and sentencing  
him to a term of twenty years to  
life, with commitment to the Elmira  
Reception Center. The application  
is granted to the extent of setting  
the matter down for a hearing to  
be held in Criminal Term, Part I,  
of this court on November 12, 1965,  
at 10 A.M. of that day, and that  
the warden of the institution where  
the defendant is presently confined  
deliver the said Henry Edwards, in  
civilian clothes, to the Department  
of Correction of the City of New  
York, where she shall be confined  
in the city prison in the custody of  
the commissioner of correction and  
produced in court by the department  
of correction on that date and on  
any and all subsequent adjourned  
dates until the matter is disposed of.  
Submit order.

#### ORDERS SIGNED

NYC.gov/records NYC.gov/records  
PEOPLE, &C. v. HENRY CURRIE,  
Terry Harrison, George Pokorny,  
Lawrence Pierce, also known as Law-  
rence Carroll, Joseph Parker, Jose  
Torres, Joey Ramirez, Jesus Reyes,  
Richard Powell, Ismael Ponce, James  
Healy, Connard Droppert, Ernest  
Bartoline, Robert Burroughs, Louis  
Rosen, Alfred Chapman, Herman  
Witt et al., Anthony Spencer, Garry  
Winger, Eugene Santorh, Felix Ruiz,  
David Morton, Moses Manley, Jr.,  
Cleveland Jones, Marvis Johnson, also  
known as Mavis Johnson, Louis In-  
chillo, Jerry De Lucie, Leonard  
Conforti, Jr., Frank Acqaviur, James  
Culhall, William John McConee,  
Franklin Riley, Pernia King, Wil-  
lamochwal, Joyce Gale, [unclear]  
Edwards, Joseph Thornton  
[unclear], James High [unclear]  
Edwards, [unclear]

len Sub. NYC.gov/records NYC.gov/records NYC.gov/psychiatric report  
City of Buffalo v. Michael (1988) (Matter committed to  
88). The taker is not allowed in the exercise of its power of eminent domain to deprive an owner of his property without adequate compensation (Jackson v. State, supra; Matter of City of N. Y. [Seward Park Slum Clearance Project], 10 A. D. 2d 498; United States v. Certain Lands, 306 F. 2d 439; United States v. Certain Lands, 332 F. 2d 679; Marraro v. State, supra; Cooney Bros., Inc. v. State of New York, 262 N. Y. S. 974). Accordingly, the court finds with respect to the fixture and machinery claim of Fassler Iron Works, Inc., the stipulated sound value of \$88,525 to be proper and that is the amount allowed to the claimant, no part of which is included in the fee valuation. ¶In those instances where the corporation counsel and the owners or their attorneys stipulate to waive the filing of the tentative decree, the giving of notice to file objections and the hearing of objections, the corporation counsel is directed to prepare and submit a final decree pursuant to chapter 821 of the Laws of 1960. ¶Where no stipulation is entered into the corporation counsel is directed to prepare and submit a tentative decree accordingly.

### SPECIAL TERM, PART XII.

By Mr. Justice Hecht.

**HORN v. HORN**—Motion is granted to the extent of advancing the cause to the numbered Day Calendar November 5, 1965. Otherwise denied.

### SPECIAL AND TRIAL TERM, PART I.

By Mr. Justice Hecht.

**LEDMAN v. CITY OF N. Y.**—  
referred to Mr. Justice

**W. v. CITY OF N. Y.**—  
referred to Mr. Justice

PEOPLE, & C., v. BARRY RAYMOND and Carmelo Millan—Orders signed.

PEOPLE, & C., v. NORMAN BUTLER, also known as Norman X. Butler (871, 1965)—This is a motion for an inspection of the grand jury minutes and for an order dismissing the indictment or in the alternative directing the district attorney to file a bill of particulars. As to the motion to inspect the grand jury minutes the court has on October 19, 1965, denied a prior motion made on behalf of this defendant. As to the motion for a bill of particulars, item 1 is granted to the extent that the district attorney is directed to provide the defendant with the date and the approximate hour of the alleged commission of the crime. Items 12 and 13 are granted to the extent that the district attorney is directed to provide counsel for the defendant with a copy of the autopsy report ten days prior to trial. As to all other requests, the motion is denied as the requests are evidentiary in nature.

PEOPLE & C.



STATE OF NEW YORK, COUNTY OF

CERTIFICATION BY ATTORNEY

The undersigned, an attorney admitted to practice in the courts of New York State, certifies that the within found to be a true and complete copy. has been compared by the undersigned with the original and

Dated: \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF

ATTORNEY'S AFFIRMATION

The undersigned, an attorney admitted to practice in the courts of New York State, shows: that deponent is the attorney(s) of record for in the within action; that deponent has read the foregoing and knows the contents thereof; that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. Deponent further says that the reason this verification is made by deponent and not by

The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF

ss.:

INDIVIDUAL VERIFICATION

deponent is \_\_\_\_\_, being duly sworn, deposes and says that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged on information and belief, and that as to those matters deponent believes it to be true. in the within action; that deponent has read the foregoing and knows the contents thereof; that Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF

ss.:

CORPORATE VERIFICATION

\_\_\_\_\_ of \_\_\_\_\_, being duly sworn, deposes and says that deponent is the named in the within action; that deponent has read the foregoing and knows the contents thereof; and that the same is true to deponent's own knowledge, except as to the matters therein stated to be alleged upon information and belief, and as to those matters deponent believes it to be true. the corporation This verification is made by deponent because \_\_\_\_\_ is a \_\_\_\_\_ corporation. Deponent is an officer thereof, to-wit, its The grounds of deponent's belief as to all matters not stated upon deponent's knowledge are as follows:

Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF

ss.:

AFFIDAVIT OF SERVICE BY MAIL

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at \_\_\_\_\_

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ deponent served the within \_\_\_\_\_ attorney(s) for upon \_\_\_\_\_ in this action, at \_\_\_\_\_

by depositing a true copy of same enclosed in a postpaid properly addressed wrapper, in — a post office — official depository under the exclusive care and custody of the United States post office department within the State of New York. the address designated by said attorney(s) for that purpose Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

STATE OF NEW YORK, COUNTY OF

ss.:

AFFIDAVIT OF PERSONAL SERVICE

being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides at \_\_\_\_\_

That on the \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ at No. \_\_\_\_\_ deponent served the within upon \_\_\_\_\_ the \_\_\_\_\_ herein, by delivering a true copy thereof to \_\_\_\_\_ personally. Deponent knew the person so served to be the person mentioned and described in said papers as the \_\_\_\_\_ there. Sworn to before me, this \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_

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

---

THE PEOPLE OF THE STATE OF NEW YORK

-against-

NORMAN BUTLER, a/k/a NORMAN X BUTLER

Defendant

---

SIR:

PLEASE TAKE NOTICE that upon the annexed affidavit of  
WILLIAM C. CHANCE, JR., duly sworn to the 19<sup>th</sup> day of October,  
1965, the indictment herein, and upon all the proceedings hereto-  
fore had herein, the undersigned will move this Court at a term  
thereof, to be held in Part 30 in the Supreme Court of the State  
of New York, County of New York, at 100 Centre Street, City of  
New York, on the 25<sup>th</sup> day of October, 1965, at 9:30 A. M., in the  
forenoon of that day, or as soon thereafter as counsel can be  
heard for an Order granting the defendant above named, leave to  
inspect the Grand Jury minutes of the testimony upon which the  
indictment herein was based, and for an Order dismissing the said  
indictment or in alternative, directing the District Attorney of  
New York County to file a Bill of Particulars in the above-entitled  
action, and for such other and further relief as to the Court may  
seen just and proper.

DATED: October, 1965

YOURS, etc.,

WILLIAM C. CHANCE, JR.  
Attorney for Defendant  
225 Broadway  
New York 7, New York

TO: FRANK S. HOGAN  
District Attorney, New York County  
155 Leonard Street  
New York, New York

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

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

-against-

NORMAN BUTLER, a/k/a NORMAN X BUTLER

Defendant  
-----X

STATE OF NEW YORK ) SS  
COUNTY OF NEW YORK )

WILLIAM C. CHANCE, JR., being duly sworn, deposes and  
says:

That I am the attorney for the above named defendant herein, NORMAN BUTLER, a/k/a NORMAN X BUTLER, who is presently charged with Murder in the First Degree, and make this affidavit in support of an application for an Order granting the defendant permission to inspect the Grand Jury minutes of the testimony upon which the indictment herein was found, and for an Order dismissing the said indictment, or in the alternative, directing the District Attorney of New York County to serve and file a Bill of Particulars of the items set forth herein.

Deponent respectfully shows the Court that on the 21st day of February, 1965, Malcolm Little, a/k/a Malcolm Shabazz, a/k/a Malcolm X, was allegedly shot with a shotgun and pistol in the Audubon Ballroom at 654 West 166 Street in the City of New York. Sometime thereafter the said Malcolm Little, a/k/a, Malcolm Shabazz, a/k/a Malcolm X, died from the injury inflicted by the aforesaid gun shot.

Thereafter, NORMAN BUTLER, a/k/a NORMAN X BUTLER, the defendant herein, was arrested by Detective Ferdinand Cavollano of the 34th Detective Squad of the New York City Police Department, on the 26th day of February, 1965, at 661 Rosedale Avenue, Bronx, New York. The complaint upon which the defendant was arrested recited that as a result of information received and

investigation made there was reasonable cause to believe that NORMAN BUTLER, a/k/a, NORMAN 3X BUTLER acted in concert with others in shooting Malcolm X Little, a/k/a, Malcolm Shabazz, a/k/a Malcolm X.

Subsequent thereto, and on or about the 10th day of March, 1965, the Grand Jury of New York County returned Indictment No. 871/65 against Thomas Hagan, a/k/a, Talmadge Hayes, a/k/a Thomas Hayer, Thomas 15X Johnson and NORMAN BUTLER, a/k/a, NORMAN 3X BUTLER, the defendant herein. The aforesaid indictment charged the defendants with Murder in the First Degree, in that, on or about February 21, 1965, the above named defendants wilfully, feloniously and with malice aforethought, shot and killed Malcolm Little, a/k/a, Malcolm Shabazz, a/k/a, Malcolm X, with a shotgun and pistol.

Deponent respectfully submits to the Court that the defendant herein, NORMAN BUTLER, a/k/a, NORMAN 3X BUTLER, was not arrested until some five days after the alleged crime charged in the indictment was committed. Moreover it is not alleged that he was ever at the scene of the crime or in the presence of any persons who allegedly shot the victim. This defendant's arrest was predicated solely upon untested and unchecked hearsay. As previously stated, the original complaint upon which the defendant was arrested stated that "as a result of information received and investigation made there was reasonable cause to believe that NORMAN BUTLER, a/k/a, NORMAN 3X BUTLER, acted in concert with others in causing the death of Malcolm Little, a/k/a, Malcolm Shabazz, a/k/a, Malcolm X." It is submitted that the above statement clearly reveals that the arrest of the defendant was based entirely upon hearsay which upon information and belief, was obtained and used against this defendant in violation of his statutory and constitutional rights. The defendant herein has consistently and categorically denied that he partici-

pated in or knew of the alleged murder of the victim. Under the circumstances, deponent believes that the indictment herein is based wholly upon conjecture, and the testimony in support thereof is insufficient as a matter of law.

In addition thereto, defendant cannot adequately defend against the indictment herein, particularity since, it is predicated on a crime allegedly committed on February 21, 1965, and upon information and belief, some of the testimony received by the Grand Jury of New York County was that of police officers whose testimony was based on information obtained from an informant whose name is not known. It is submitted that unless this motion is allowed, the defendant has no means of ascertaining what testimony was given by the witnesses before the Grand Jury concerning the commission of the alleged crime charged. Such being the case, this defendant should be granted leave to examine and inspect the testimony of the witnesses who testified before the Grand Jury.

BILL OF PARTICULARS

Deponent also respectfully requests that pursuant to the Code of Criminal Procedure, Sections 295- g and h, the Court directed the District Attorney of New York County to file a Bill of Particulars, and serve a copy of the same on counsel for the defendant, which contains the following information.

O.K. 1. The date and hour of the alleged commission of the crime.

2. Types of shotguns and pistols used in the shooting, including serial number.

3. Types of bullets used.

4. A detailed statement of the place and time when the defendant was arrested, including the date.

5. The exact location, including the room or rooms where the crimes are alleged to have been committed, including a diagram of same showing the locations of defendant Hagan, Defendant 15X Johnson and Defendant 3X Butler, and all other persons, at the time of the alleged shooting.

6. The exact time at which the police was notified of the shooting.

7. The exact time the police arrived at the scene of the crime.

8. The number of people present on the premises at the time the police arrived, and the names of such persons.

9. The people's version of the incidents leading to the shooting alleged in the indictment.

10. The police records of the arrests of defendant Hagan, Defendant 15X Johnson and defendant 3X Butler.

11. The relationship, if any, between the above named defendants.

12. The location of victim's wound or wounds, including a copy of his hospital record.

13. The time of death of Malcolm Little, a/k/a Malcolm Shabazz, a/k/a, Malcolm X.

14. Copies of the statements of all witnesses to the occurrence (Peo. v. Rosario, 9 N Y 2d 286, 213 N Y S 2d 448.

15. The manner in which defendant 3X Butler was apprehended, including date and hour.

16. The manner in which defendant 3X Butler was transported to the police station, including date and hour of arrival.

17. The manner in which defendant was interrogated.

18. Names of all persons present during the time mentioned in 15, 16 and 17.

19. The reason alleged for the delay between the date of the indictment March 10, 1965 and the date of the arraignment thereon.

WHEREFORE, it is respectfully requested that the indictment be dismissed or, in the event that the court fails to do so, that the alternative relief requested herein be granted in its entirety.

*Present before me this  
15th day of October, 1965  
Roy T. Spraggins*

ROY T. SPRAGGINS  
Notary Public, State of New York  
No. 25-8794975  
Qualified in New York County  
Commission Expires March 31, 1967

*William C. Chance, Jr.*

WILLIAM C. CHANCE, JR.

ANDREW R. TYLER

30 VESEY STREET

NEW YORK 7



Vincent Dermody, Esq.

Assistant District Attorney

155 Leonard Street

New York City, New York

*Mr Dermody*

ANDREW R. TYLER  
ATTORNEY AT LAW  
30 VESEY STREET  
NEW YORK 7  
RECTOR 2-0266

RECEIVED  
DISTRICT ATTORNEY'S OFFICE  
NEW-YORK COUNTY

1965 OCT 27 AM 9 16

October 25, 1965

SEARCHED  
SERIALIZED  
INDEXED  
FILED

Vincent Dermody, Esq.  
Assistant District Attorney  
155 Leonard Street  
New York, New York

Re: Thomas Hagen

Dear Mr. Dermody:

Please be advised that I am in receipt of two letters from the defendant, Thomas Hagen, indicating that he does not wish either myself or Mr. Alexander to represent him in the trial of his indictment for Murder in the First Degree. He has indicated that his family has retained Mr. Peter Sabatino.

May I suggest that the case be put on the calendar for the purpose of perfecting a substitution of attorneys.

Very truly yours,

*A. R. Tyler*  
ANDREW R. TYLER

ART:el

cc:

Fritz Alexander, Esq.

November 4, 1965

William C. Chance, Jr., Esq.  
225 Broadway  
New York, New York 10007

Re: People v. Norman Butler, a/k/a  
Norman 3X Butler  
Indictment No. 871-1965

Dear Mr. Chance:

Enclosed herewith is the People's  
bill of particulars in the above-entitled  
case.

Very truly yours,

Vincent J. Dermody  
Assistant District Attorney

VJD:jf  
Enc.

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

THE PEOPLE OF THE STATE OF  
NEW YORK

against

THOMAS HAGAN, a/k/a Talmadge Hayer,  
a/k/a Thomas Hayer, NORMAN BUTLER,  
a/k/a Norman JX Butler, THOMAS  
JOHNSON, a/k/a Thomas 15X Johnson.

(Office copy)

Defendants.

## SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF NEW YORK

At a Special and Trial Term Part 30 of the Supreme Court of the State of New York held in and for New York County on the 12<sup>th</sup> day of November in the year of our Lord one thousand nine hundred and sixty-five.

PRESENT,

The Honorable CHARLES MARKS,

Justice

THE PEOPLE OF THE STATE OF  
NEW YORK

against  
THOMAS HAGAN, a/k/a Talmadge  
Hayer, a/k/a Thomas Hayer,  
NORMAN BUTLER, a/k/a Norman  
3X Butler, THOMAS JOHNSON,  
a/k/a Thomas 15X Johnson  
Defendants.

On Indictment

Crime: Murder in the First Degree

Indictment Filed: March 10, 1965

Number: 871-1965

Upon application of the District Attorney and the court being of an opinion that additional Trial Jurors will be needed for service in the court on and after Monday, December 6, 1965, it is

ORDERED that the County Clerk of the County of New York be and he hereby is directed to draw 400 additional Trial Jurors and that he summon 200 jurors to attend at Special and Trial Term Part 37 of the court on Monday, December 6, 1965 and 200 jurors on Tuesday, December 7, 1965, at ten o'clock in the forenoon of said days; and it is

FURTHER ORDERED that the drawing of such additional Trial Jurors take place in the office of said County Clerk of the County of New York on Monday, November 22, 1965, at eleven o'clock in the forenoon of said day.

Enter:

J.S.C.  
CHARLES MARKS

Copy received and consented to

# CHALLENGE SHEET

PAGE # 1

## Court of General Sessions, New York County

Part 37 De Term, 1965

THE PEOPLE, Etc.

vs.

Ray, Ruth & John

Before Judge Mab

On trial for Murder

Indictment filed No.

Deputy Clerk.

**NOTICE TO DEFENDANT AT BEGINNING OF EXAMINATION OF JURORS UPON THE VOIR DIRE.**

"If you intend to challenge an individual Juror, you must do so when he appears and before he is sworn. Do you waive the further giving of this notice?"

Number of Peremptory Challenges: See Sec. 373 Cr. Code.

Accepted Juror's Seat	JUROR'S NAME	Ballot No.	PEOPLE		EXCUSED		DEFENDANT	
			Perempt. Chal.	Chal. Sustained	By Court	By Consent	Perempt. Chal.	Chal. Sustained
	Peter L. Connor					✓		
	Joseph Malischak						✓	
1	George S. Carter					✓		
	William J. Cross						✓	
	Robert Grimsley				☒			✓
	ALLAN Hirsch		✓					
	James D. Smith					✓		
	Mrs Mary Gervasi						✓	
	MARTHA J. CASSELMAN		✓					
	BERNARD F. Mc KUNEM						✓	
2	REGINALD H. BRENT						✓	
	FRANZISKA VON HACHT					✓		
	Thomas R. King		✓					
3	Sophie Belenky							
	Eleanor Benas						✓	
	JAMES J. KELLEHER						✓	
	PATRICK J. MARTIN						✓	
	MARTHA ANDERSON						✓	
	HARRY COARD							✓
4	Robert P. Hixon							
5	FREDERICK R. CARUSO							
6	GERALD M. SULLIVAN							
	Kenneth J. Ryan							✓
	HENRIETTA MORGOLIN		✓					

## CHALLENGE SHEET

Page #2.

## Court of General Sessions, New York County

Part 37 Dec Term, 1965

THE PEOPLE, Etc.

vs.

HARVEY BUTLER & JOHNSONBefore Judge MarksOn trial for MURDER 1<sup>o</sup>Indictment filed No

Deputy Clerk.

## NOTICE TO DEFENDANT AT BEGINNING OF EXAMINATION OF JURORS UPON THE VOIR DIRE.

"If you intend to challenge an individual juror, you must do so when he appears and before he is sworn. Do you waive the further giving of this notice?"

Number of Peremptory Challenges: See Sec. 373 Cr. Code.

Accepted Juror's Seat	JUROR'S NAME	Ballot No.	PEOPLE		EXCUSED		DEFENDANT	
			Perempt. Chal.	Chal. Sustained	By Court	By Consent	Perempt. Chal.	Chal. Sustained
	DANIEL W. SMITH					✓		
	ANGELA P. GORDON					✓		
	EDWARD F. SWIDERSKI	4	✓					
	RAYMOND V. NELSON					✓		
	JAMES CAROLAN						✓	6
	ROBERT SWARTZ					✓		
	GILBERT J. MOREY					✓		
7	VERONICA CAMILLETI							
	LEONARD X. FARBMAN					✓		
	ELNORA WALKER	5	✓					
8	VINCENT T. LARIANO							
9	WALTER J. MAKUGEWICZ							
	WILLIAM G. LAWSON					✓		
	THOMAS FOGARTY							✓
	LOUISE KOSTAL					✓		
	FREDRICK W. KENNY					✓		
	BEATRICE E. WELCH					✓		
	PETER A. NAGY						✓	7
	RACHEL L. REED					✓		8
	ANTHONY A. DEMARRO							9
	JOSEPH WILANOSKI							✓
	LOISE CALLENDER	6	✓					
	MALACHY FALLON					✓		
	GEORGE D. GRIFFIN					✓		

Accepted Juror's Seat	JUROR'S NAME	Ballot No.	PEOPLE		EXCUSED		DEFENDANT	
			Perempt. Chal.	Chal. Sustained	By Court	By Consent	Perempt. Chal.	Chal. Sustained
	NUBER KAZANJIAN					✓		
	ARMANDO GONZALEZ					✓		
	WILLIAM K McCutcheon							10
10	MAJORIE E FEDDERMAN							
	MARGUERITE BOOKER	7	✓					
	JAMES G HALL							11
	Nathan Podlofsky					✓		
	HERMAN J LANOES					✓		
	FRANK G BONDY					✓		
	WILLIAM J. HIRSCHFELD					✓		
	SAMUEL WINN					✓		
11	GORDON B FINDLAY							
	MARY C DONNELLY							12
	MARIE T DUFFY	8	✓					
	<del>Mary</del> C Turach	9	✓					
	Anty P. Goffen					✓		
	Gerard J. Pickett							13
12	Blanche A Bank							
	Henry L Marshall	1	✓					
	Rhoda Johnson	2	✓					
	STANLEY E ELY					✓		
	Ophelia M. McDonald							1
	VICTOR K HIRAGA					✓		
	Josephine Joy							2
1 <sup>st</sup> ALT	ELPIDIO LABAY							
	ROSE LEVY							1
	JAMES D. HODGES					✓		
2 <sup>nd</sup> ALT	SALLY GRUSKY							
3 <sup>rd</sup> ALT	LOUIS HURWITZ							
	BETTY M CHILDS		✓					
4 <sup>th</sup> ALT	GRACE B FOSTER							
	EVELYN JACOBY							

JURORS LISTS.

ANDERSON, MARTHA	PL MGR	1 W. 67 ST. -
BARKER, LEBARON R.	JR. EDITOR	222 E. 71 ST.-
BASTIAN, SYLVIA J. MRS.	HSWF	122 W. 84 ST.-
BELENKY, SOPHIE MRS.	HSWF	11 E. 9 ST. -
BENES, KLENOR MRS.	TYPIST	1582 YORK AVE. -
BERRY, DOLLIE MRS.	HSWF	301 WEST 113 ST.-
BING, MAY L. MRS.	HSWF	262 CPW -
BLUMENSON, PHILIP XXX.	JOBBER	372 CPW -
BODANSKY, CARL F.	SALES	112 HAVEN AVE. -
BOND, FRANK G.	CAFE MGR.	1 SICKLE ST. -
BOOKER, ALBERTA	Clk.	311 W. 121 ST. - GOOD JUROR
BOOKER, MARGUERITE	FLR LADY	311 W. 121 ST.- POSS. GOOD JUROR
BRENNAN, THOMAS W.	ACTOR	412 W. 20 ST.-
BRENT, REGINALD H.	<del>CONDUCTOR</del> <small>METRO</small>	42 W. 138 ST.-
BRODY, ADELE C MRS.	HSWF	262 CPW. -
CALLENDER, LOISE MRS.	MACH. OPER.	222 W. 140 ST.-
CAMILLETTI, VERONICA MRS.	HSWF	228 W. 16 ST.-
CANNON, JOHN	ACTOR	72 BARROW ST. -
CAPLAN, MELVIN	MGR.	88E CPW -
CARNOW, THEODORE	BKPR	658 W. 188 ST. -
CAROLAN, JAMES	TCNEN	211 W. 109 ST.- APP. TO AEC, WD.?
CARTER, GEORGE	<small>Public Health</small> PH SANIT	2161 Mad. AVE. - PGU
CARR, DOROTHY MRS.	NONE	2 W. 67 ST. -
CARUSO, FREDERICK R.	PRINTER	18 MONROE ST. -
CASSELMAN, MARTHA	EDITOR	361 E. 50 ST. - CAUTION, SWITCHED.
CAULK, CLARENCE A.	CONVEYER	106 CONVENT AVE. -
CERNEMY, RUDOLPH P.	CLERK	232 E. 80 ST.-
CHILDS, BETTY M. MRS.	CLERK	542 W. 159 ST. -
<u>GRANDLER, LEN</u>	<u>SINGER</u>	<u>251 E. BDWY- ** NO GOOD AT ALL*</u>
CHORAKJIAN, ELIZABETH	MGR.	18 W. 69 ST. -
CHORNEY, PAUL P.	DRFTSMN	452 W. 60 ST. -
CLE, EMTS, ELIZABETH MRS.	SUPER.	488 7th AVE. -
COARD, HARRY	CLK	618 ACADEMY ST. -
COCEO, ROSE MRS.	SECTY.	311 W. 24 ST. - NRP?

<sup>117</sup> <sup>135</sup> appearance	COFFER, DOROTHY V.	PACKER	56 W. 124 ST. -
	COLE, ARTHUR	SUP. CLK	408 MANHATTAN AVE. -
	CONNOR, PETER	{Bus Insp. DISPATCH.	611 W. 171 ST. - Sentee
	CROSS, WILLIAM J.	REC. DEPT.	18 ST. NICH. PL. -
	DEGIGLIO, LUCILLE A.	COMP. OPER.	11 W. 8TH ST. -
	DEMARRO, ANTHONY A.	CLK.	412 E. 74 ST. -
	DE RACZYNSKI, ROMUALD	Chmst	1 CHRISTOPHER ST. -
	DEVINOFF, SOLOMON	PROD.	1 WASH. SQ. -
	DONNELLY, MARY C.	CLK	212 E. 83 ST. -
	DUFFY, MARIE T.	ACCT.	562 W. 175 ST. -
	EASTERLING, MAE MRS.	HSWF	268 W. 123 ST. -
	EDWORTHY, FRED W.	AD. CASST.	301 E. 78 ST. -
	ELY, STANLEY E.	MKTING.	111 E. 78 ST. -
	FALLON, MALACHY	ACCT.	268 Nagle AVE. -
	FARBMAN, LEONARD X.	ENGR.	91 CPW -
	PAST, O.M.	SALES.	651 W. 169 ST. -
	FEDDERMAN, MARJORIE	AD. SECTY.	222 E. 35 ST. -
	FINDLAY, GORDON B.	LAB. ASST.	412 E. 65 ST. -
	FOGARTY, THOMAS	MAINT.	251 W. 92 ST. -
	FORRESTER, JOSEPH M.	REAL. EST.	511 W. 150 ST. - P. R. P. - NFG.
	FOSTER, GRACE MRS.	HSWF.	1111 PARK AVE. -
	FOX, NORMAN	ADVERT.	512 E. 83 ST. -
	FUGATE, JAMES W.	SUPERV.	611 WASH ST. - POSS. CRIM. RECORD.
	FULTON, CYRIL E.	TYPIST	211 W. 22 ST. -
	FUNT, DAVID P.	STUDENT	1471 2ND AVE. -
	GARDINER, RICHARD S.	EX. APPLING.	2 E. 86 ST. -
	GEIMAN, DAVID	SALES.	102 E. 22 ST. -
	GEISER, HERAMN J.	CONST. ENGR.	441 E. 20 ST. - EXCUSED.
	GENOVESE, CAROL D. MRS.	HSWF.	178 THOMPSON ST. -
	GERSTAL, JACOB K.	BUTCHER	568 AUDOBON AVE. -
	GERVASI, MARY MRS.	HSWF	211 E. 88 ST. -

GIBALA, FLORENCE MRS.	NONE	261 SEAMAN AVE. -
GILCHRIST, KENNETH	MGR.	511 E. 20 ST. -
GLASSER, DAVID	GROCERY	6 STUY. OVAL -
GOLDBERG, BENJAMIN	FILM PROD.	498 WEST END AVE. * ? CP. - BKLYN.
GOLDBERG, MIRIAM E. MRS.	HSWF	111 E. 88 ST. -
GOLDSTEIN, EVA MRS.	FINISHER	122 FORSYTH ST. - NFG- CP MEMBER.
GONZALEZ, ARMANDO	OPER.	72 GOVERNUEUR - ? POSS. CASTROITE.
GOODMAN, BETTY ANN MRS.	PSAH. EDIT.	411 E. 53 ST. -
GORDON, ANGELA P. MRS.	CLK.	208 E. 28 ST. -
GRAY, RICHARD S.	SEAMAN	4761 BOWY-
GRIFFIN, GOERGE D.	WRITER	11 E. 9 ST. -
GRIMSLEY, ROBERT E.	SALES	212 W. 22 ST. -
GRUSKY, SALLY MRS.	SALES	372 CPW -
HALL, JAMES G.	SALES	131 E. 51 ST. -
HARRINGTON, MICHAEL J.	CUS. INSP.	6 STUY. OVAL.-
HARDWICK, MARY T.	SECTY	98 PK. TERR. EAST -
HARTMAN, SYLVIA MRS.	HSWF	302 W. 12 ST. -
HAYES, WILLIAM J.	BAKER	508 W. 136 ST. -XXXXXXXX
<sup>1<sup>st</sup> appear 1/7</sup> HENNESSY, HELEN T.	TELLER	116 PINEHURST AVE.-
HERTZBERG, BENJAMIN	BRWERE	812 PARK AVE. -
HINCHIE, LILLIAN G. MRS.	HSWF	171 E. 81 ST. -
HIRAGA, VICTOR K.	CREDITMAN	12 W. 87 ST. -
HIRSCH, ALLAN	ARTIST	308 W. 104 ST. - SWP -1960/ N.J.
HIRSCHFIELD, WM. J.	LAYOUT	1391 Madison AVE.-
HIXON, ROBERT P.	SIG MTR	11 ELDRIDGE ST. -
HODGES, JAMES D.	<sup>SALESMAN</sup> SEAMAN TAXI. DRIVER	18 E. 118 ST. -
HOLZMAN, JOHN	DIC MACH	561 W. 174 ST. -
HOTALING, ARTHUR N.	CLK	348 E. 87 ST. -
HOWE, JOHN P?	PUBLISHER	1261 MADISON AVE. - ?
HURWITZ, LOUIS	CLK	211 E. 18 ST. -
IBARGUEN, PETER D.	MECH.	331 E. 84 ST.-
JACKSON, JACK H.	RR CLK	1941 3rd AVE. -
JACKSON, WILBUR L.	PO CLK	92 MORNINGSIDE AVE.- POSS DR. DODGER
JACOBS, BELLE MRS.	NONE	211 FT. WASH. AVE. -

JACOBS, GALE S MRS.		2 FIFTH AVE. -
JACOBY, EVELYN MRS.	HSWF	8 PETER COOPER RD. -
JONES, BETTY M MRS.	NURSE	221 W. 138 St. -
JONGSMA, RHODA C MRS.	<sup>Household</sup> GEMS-EX.	301 E. 62 ST. -
JOY, JOSEPHINE	SECTY	232 E. 40 ST. -
KAZANJIAN, NUBER	STUDENT	18 W. 76 ST. -
KELLEHER, JAMES J.	EL OPER.	161 W. 106 St.-
KENNEY, DANIEL R.	INVEST.	1 WASH. SQ. -
KENNY, FREDRICK W.	CORP. OFF.	1 STUY. OVAL
KERCHEVAL, JAMES N.	COMPTRL.	2 PINEBURST AVE.
KING, EUGENE	LIBR.	202 W. 102 St.
KING, THOMAS R.	ATTNDT.	48 W 53 ST. - <sup>Wages Aid</sup> <sup>Bellevue</sup>
KING, THOMAS S.	CAR INSP.	331 E. 82 ST
Koenigsberg, BETTY MRS.	HSWF	212 W 91 ST
KOSTAL, LOUISE MRS.	CLK.	1791 1st AVE
KRAUSS, WALTER	CLK.	211 SHERMAN AVE.
KRUCER, CYRIL	TELEMAKER	212 W. 22 ST. -
KURTZ, MORIS	TEX CONV.	451 WEST END AVE.
LABOY, ELPIDIO	MACH.	51 W. 106 ST
LAPIANO, VINCENT T.	SAN MAN	178 AVE. B
LASSASSE, ERNEST A.	NURSE	208 E. 28 ST.
LANDES, HERMAN J.	BUYER	11 5th AVE
LARKIN, JOHN T.	INSTALLER	202 W. 98 St.
LAWRENCE, VICTOR R.	U.S. CUSTOMS	921 ST. NICHOLAS AVE.
LAWSON, WILLIAM G.	ARTIST	132 E. 58 St.
LEVY, ROSE MRS.	HSWF.	172 E. 70 ST.
LEWIS, MADISON M.	MFR.	12 E. 73 ST.
LIOTA, SALVATORE	DRAFTSMAN	92 1st St.
LOHMAN, JAMES P.	DESIGNER	412 E. 58 ST.
MAKUGENICZ, WALTER J.	DRAFTSMAN	201 E. 10th ST.
MALISCHAK, JOSEPH	DOORMAN	82 ELWOOD STREET.
MALKOVICH, MARK P.	SALES MG.	792 COL. AVE.
MAROS, JOHN T.	TEL OPR.	518 E. 76 St.
MARK, MELVIN	BRKR.	898 PARK VE.
MARCUS PAUL N	ECONOMIST	251 W 71 <sup>st</sup> St 2 CP

MARSHALL, HENRY L.	ASST. INT.	412 W. 148 ST - PRP
MARTIN, PATRICK J.	CLK.	228 E. 80 ST
MCCONNELL, RUTH C. MRS.	HSWF	12 BEECKMAN PL.
MCCUTCHEON, WILLIAM K.	TRADER	261 SEAMAN AVE. -VGJ
MCDONALD, OPHELIA M. MRS.	NURS AID	2576 8th AVE
MCKUNEM, BERNARD F.	RET. <i>J.C. Peany Auctioneers Co. Inc.</i>	351 W. 24 ST.
<del>XXXXXXXXXX</del>		
MENDELL, JUTH L.	SOC. WKR.	162 EAST BWAY. *NFG CIV STS
MENDES, VICTOR E.	MUSC.	316 E. 6th ST.
MILLER, TILLIE MRS.	HSWF	711 WEST END AVE.
MOREY, GILBERTO J.	CLK.	1061 ST. NICHOLAS AVE.
MORGOLIN, HENRITTA, MRS.	HSWF.	#01 E. 48 ST.
MOSLEY, DANIEL.	TUN WKR.	652 W. 169 ST.
MURTHEY, RALPH D.	MGR.	432 West Broadway
MYLES, ROBERT	MOTORMAN	252 SHERMAN AVE.
NAGY, PETER A.	HANDYMAN	301 E. 93 ST.
NATHAN, ANNA E. MRS.	SECTY.	301 W. 22 ST
NAVEN, ERNEST L.	INS. BRO.	8 P COOPER RD.
NELSON, RAYMOND V.	BROK.	518 E. 82 St. <u>Jeh. Wit.</u>
NICHOLLS, MARY P. MRS.	WRITER	48 CARMINE ST. NFG
NOB, HENRY M.	JR. MGR.	232 E. 64 ST.
ODEA, JAMES T.	PRINTER	501 W. 175 ST
OPPENHEIM, JOSEPH	INS. COLL	601 W. 113 ST
OWSIANIK, JOSEPH	CLK.	106 E. 7th St.
PALUMBO, JOHN P.	TUPTING	691 PDR. DRIVE.
PAXTON, MIRAM F. MRS.	SECTY	651 E. 14 ST.
PICKETT, GERARD J.	REPAIRMAN	152 Thompson ST.
PODLOFSKY, NATHAN	CLK.	108 AVE. D
POUSSAINT, CHRISTOPHER T.	TYPOGRAP	112 E. 101 St. NFG CP
REED, RACHEL L.	PUBREL.	212 E. 48 ST
RIEBERG, LOUIS B.	EXAM	141 W. 16 ST
ROLAND, KATHARINE MRS.	NONE	212 E. 48 ST
ROLFE, NORMAN A.	SMAN	1111 PARK AVE
ROTH, HOWARD	CHAUF.	22 FAIRVIEW AVE.
RUDOLPH, JEANETTE S. MRS.	HSWF.	18 MONROE ST.
RYAN, KENETH J.	TEACHER	<del>48 B 20 ST</del> <i>18 Stuy AVE.</i>

SADOW, ROY	EDITOR	78 CHARLES ST.
SAMUELS JOSEPH	RD ESTATE	11 Fifth AVE
SANTANA, FRANCISCO	CLK.	52 W. 93 ST
SCHAFFNER, FRANKLIN J.	TV DIR.	218 E. 72 ST. NFG CP
SCHAFFNER, JOHN V.	LIT* AGT.	312 E. 55 ST.
SCHAGRIN, DAVID L.	TOY MFR.	511 E. 20 St.
SCHWARTZ, EMANUEL K.	PSYCHOAN	12 E. 87 ST
SLOANE. ARTHUR E.	RR CLK.	18 JACOBUS PL.
SMITH, DANIEL W.	SUPVR	1591 3rd AVE.
SPERO, SIDNEY F.	SELP.	2 FIFTH AVE.
STALIKAS, CHRISTOPHER	LAB TECH.	461 AUDBON AVE NFG CP
STITH, JAMES D.	FOOD CLK.	458 W. 166 ST.
SULLIVAN GERALD M.	STAF ASST.	352 E. 86 St.
SWARTZ, ROBERT.	MGR.SISM.	101 COOPER ST.
SWIDERSKI. EDWARD F.	BOILMKR.	501 W. 57 ST
TALMANINI, JOSEPHINE E. MRS.	CLK.	108 E. 4th ST
TSAKIDES, JOAN, MRS.	HSWF.	142 LAUREL HILL TERR.
TURASH, MARON C.	PO CLK	212 A9E B
VXKXX		
VELOKAS, CHRISTOPHER M.	PSGR. AGT.	661 W. 180 St.
VON HACHT, FRANZISKA NRS.	HSWF.	168 E. 82 ST.
WALKER. ELNORA C. MRS.	TEACHER	72 E. 120 ST. NFG PRP
WEBSTER DOROTHY R. MRS.	ACTRESS	161 W. 57 ST
WEINBERG, JULIUS B.	IMP. EXPT.	201 W. 77 ST
WEISBROD, HAROLD,	ACCT.	118 E. 93 ST
WELCH , BEATRICE E.MRS.	HSWF.	998 AMST. AVE
WICKERSHAM, BERTHA T. MRS.	HSWF.	791 PARK AVE.
WILAMOWSKI, JOSEF	MGR.	601 W. 174 ST
WILLIAMS, AEMA E. MRS.	HSWF	2181 MADISON AVE.
WINN SAMUEL	DELEGATE	2 ELWOOD ST. NFG CP
WOLF, MELVILLE C.	ENG MAN	611 W. 171 ST

Voc Dir

no capital punishment involved

Business or profession

Married or single

Prior experience as a juror in criminal case.

a judge of facts - use common sense

Take time for court - without any mental reservation  
questioning of juror - no coercion of juror

Require clear knowledge of Dec. + his obligations  
also see Block Muslim

Be an index on evidence free from prejudice or sympathy

Recall reading on terms after no case at hand is occurred.

- Mosque.  
Black Muslim - Nation of Islam.

Nation of Islam

Deeds - Muslim quieting

Messenger - Elijah Muhammad.  
Prphet.

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Feb. 1964.

Muslim - O. A. U. - organizing Afro-American  
units - political + educational  
also M. M. I - Muslim Mosque Inc. - religious

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

----- -x

THE PEOPLE OF THE STATE OF NEW YORK : BILL OF PARTICULARS

-against- : Indictment No.  
: 871-1965

NORMAN BUTLER, :  
s/k/a Norman 3X Butler, :  
: Defendant. :  
----- -x

The People for its bill of particulars state  
as follows:

As to item #1 - The alleged crime took place at  
approximately 3:00 p.m. on February 21, 1965.

Yours, etc.

FRANK S. HOGAN

District Attorney  
New York County

By: VINCENT J. DERMODY  
Assistant District Attorney

TO:

William C. Chance, Jr., Esq., 225 Broadway. N.Y.C. 10007  
Attorney for defendant.

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

---

THE PEOPLE OF THE STATE  
OF NEW YORK

against

NORMAN BUTLER,  
a/k/a Norman JX Butler,

Defendant.

---

BILL OF PARTICULARS

FRANK S. HOGAN  
DISTRICT ATTORNEY  
155 Leonard Street  
Borough of Manhattan  
New York City

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

THE PEOPLE OF THE STATE  
OF NEW YORK

against

NORMAN BUTLER,  
a/k/a Norman JX Butler,

Defendant.

BILL OF PARTICULARS

FRANK S. HOGAN  
DISTRICT ATTORNEY  
155 Legend Street  
Borough of Manhattan  
New York City

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

-----x

THE PEOPLE OF THE STATE OF NEW YORK : BILL OF PARTICULARS

-against- : Indictment No.  
: 871-1965

NORMAN BUTLER, :  
a/k/a Norman 3X Butler, :  
: Defendant. :  
-----x

The People for its bill of particulars state  
as follows:

As to item #1 - The alleged crime took place at  
approximately 3:00 p.m. on February 21, 1965.

Yours, etc.

FRANK S. HOGAN

District Attorney  
New York County

By: VINCENT J. DERMODY  
Assistant District Attorney

TO:

William C. Chance, Jr., Esq., 225 Broadway, N.Y.C. 10007  
Attorney for defendant.

SENTENCE AND PAROLE RECOMMENDATION

To: Assistant District Attorney DERMODY

DEFENDANT: NORMAN BUTLER.  
AKA NORMAN 3X BUTLER.

INDICTMENT No.: 871165

JUDGE: MARKS

PART: 37

DATE OF DISPOSITION: 3/9/66

DATE OF SENTENCE: 4/15/66

SENTENCE: S.P. Natural Life

Parole Recommendation

None

For

Against

If for or against state reasons

Neil Denny  
Assistant District Attorney

PLEASE FILE IN JACKET OR FORWARD TO FILE ROOM IMMEDIATELY

SENTENCE AND PAROLE RECOMMENDATION

To: Assistant District Attorney DERMODY

DEFENDANT: THOMAS JOHNSON  
AKA THOMAS BX JOHNSON

INDICTMENT No.: 871-65

JUDGE: Marks

PART: 37

DATE OF DISPOSITION: 3/9/66

DATE OF SENTENCE: 4/15/66

SENTENCE: S. Natural life

Parole Recommendation

None

For

Against

If for or against state reasons

Vincent J. Derrony  
Assistant District Attorney

PLEASE FILE IN JACKET OR FORWARD TO FILE ROOM IMMEDIATELY

SENTENCE AND PAROLE RECOMMENDATION

To: Assistant District Attorney DERMODY

DEFENDANT: THOMAS HOGAN AKO THOMAS HOYER.

INDICTMENT No.: 87-65

JUDGE: Marks

PART: 37

DATE OF DISPOSITION: 3/9/66

S.P. NATURAL LIFE

DATE OF SENTENCE: 4/15/66

SENTENCE:

Parole Recommendation

None

For

Against

If for or against state reasons

Kevin J. Dermody  
Assistant District Attorney

**PLEASE FILE IN JACKET OR FORWARD TO FILE ROOM IMMEDIATELY**