

PART
12

3978

1970

PART
12

Lawrence Mullan

6/21/73

8/14/73 Part 12

9/20/73 Pt 12

10-10-73 PER 5
FRANCIS J. BLOUSTEIN

Tried - Nonjury.
Not guilty by reason of insanity
committed to Mental Hospital -

INVESTIGATION

Date
A. D. A.
Steno.
Ind. Bur. A. D. A.

GRAND JURY

Date
A. D. A.
Steno.
Witnesses:

* 12/28/70
* 1/27/71
3-23-73
4-27-73
PTD 5-17-73
PT 6-13-73
6-21-73
8-14-73

No. 3978-70

Filed, 3 day of Dec., 1970

THE PEOPLE OF THE STATE OF NEW YORK

vs.

LAWRENCE SULLIVAN, P

PLEADS NOT GUILTY 6/15/73

Defendant

INDICTMENT

MURDER

Penal Law § 125.25, Subdivision 1
V.L.C.C. 265.05 P.L.

BURTON E. ROBERTS

District Attorney

A TRUE BILL

Foreman

Jan 28, 1971
Committed to Matteawan
State Hospital on
12/23/70

3-23-73

Return for Matteawan
Psych. Exam. re
order on file.

Remanded
adj. 4-27-73

CHARLES G. TIERNEY

3-26-73 called off vic + city
re receipt of comul. fr
IVAN WARNER
PTD 5-17-73
Albany memo &
Contravert. Psychiatric
report filed 5-14-73

PT 14 JUN 15 1973
JOSEPH P. SULLIVAN
J.S.C.
Psych report of 5/13/73
conformed by both
sides

ad pleads not
guilty with spec. of
insanity.

8/14/73 PT 12
9/20/73 PT 12
10-10 PT 25
OCT 10 1973
FRANCIS J. BLOUSTEIN

Att: A. Scher
Att: E. Morait
Rep. M. Benson
Trial: Non jury
acquitted by reason of
insanity; Defendant
committed to Dept. of
Mental Hygiene.

J.P.V.
V.S.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK,

— against —

LAWRENCE MULLAN,

Defendant

THE GRAND JURY OF THE COUNTY OF BRONX, by this indictment, accuse the defendant of the crime of MURDER, committed as follows:

The defendant, in the County of Bronx, on or about November 6, 1970 with intent to cause the death of one Patrick Mullan caused the death of Said Patrick Mullan by stabbing him with a knife.

~~PERSON DO NOT REMOVE~~
~~XXXXXXXXXX~~

SECOND COUNT:

AND THE GRAND JURY AFORESAID, by this indictment further accuse said defendant, of the crime of MURDER, committed as follows:

The said defendant, in the County of Bronx, on or about November 6, 1970, with intent to cause the death of one Loretta Mullan caused the death of said Loretta Mullan, by stabbing her with a knife.

THIRD COUNT:

AND THE GRAND JURY AFORESAID, by this indictment further accuse said defendant, of the crime of POSSESSION OF WEAPON, DANGEROUS INSTRUMENT AND APPLIANCE, AS A MISDEMEANOR, committed as follows:

The said defendant, in the County of Bronx, on or about November 6, 1970, had in his possession a knife with intent to use the same unlawfully against another.

BURTON B. ROBERTS,
DISTRICT ATTORNEY.

ARRAIGNMENT

Date November 7, 1970

The defendant on being brought before me
was assigned Legal Aid Society counsel.

was informed of the charge against him and of his right to communicate with relatives or friends by letter or telephone free of charge, of his right to the aid of counsel at every stage of the proceedings, and that if he desires counsel and is financially unable to obtain counsel, counsel shall be assigned, and of his right to an adjournment to procure counsel.

waived the reading of the charge and his rights.

Bail No Bail

Reduced to

NOV 9, 1970 adjournment

Dr. Snow for examination

Officer examined on that

note

11/7/70 P.B.

P. ST. GEORGE BROWN
Judge

Court Reporter

Docket 244-10231

**CRIMINAL COURT
OF THE CITY OF NEW YORK**

Part 3 County Bronx

THE PEOPLE OF THE STATE OF NEW YORK

1. Larry Mullan Age 17

Address 246 E. 199 St., Bx.

**TRANSFERRED TO
SUPREME COURT
DEC - 7 1970**

2. Address

3. Address

4. Age

Address

Defendants are charged with violation of

~~XXXXXX~~ 125.25PL
265.05/9PL

Officer, Shield No. and Assignment Ptl.

J.E. Oxley, 25002, 52 Pct.

Vacation and Leave None

11 Duty Chart

jmc

Complaint prepared by

Exam. Waived 19.....

Exam. Begun 19.....

Exam. Closed 19.....

ORDER OF DISMISSAL

There being no sufficient cause to believe the within named defendant

guilty of the offense within mentioned, I order said defendant to be discharged.

Date Judge

ORDER TO ANSWER

It appearing to me by the within depositions and statements that the crime therein mentioned has been committed, and that there is sufficient cause to believe the within named defendant

guilty thereof, I order that said defendant be held to answer, and be admitted to bail in the sum of \$

and be committed to the Commissioner of Correction of the City of New York until the said defendant shall give such bail.

Date Judge

CHRONOLOGICAL RECORD OF PROCEEDINGS

Date -1-

**APPEAL E... ON
TO ASSIGN E...
NO T...EW**

**COMMITTED TO NY CITY DEPT. OF HOSPITALS
FOR PHYSICAL AND MENTAL EXAMINATION.**

DATE

**GREEN ELLEN
STAFF REPORTER**

JOHN CARRO

NOV 9 1970

Criminal Court of the City of New York

Part B, County of West

THE PEOPLE OF THE STATE OF NEW YORK ON THE COMPLAINT OF

Larry Mullen vs.

TO THE CLERK.

SIR:

You are hereby notified that I have been retained by the defendant

or by Name of Person of Address

in the above entitled action.

Dated 12/20 1970

Michael B. Steinfeld
Attorney for Defendant (Print Name)

Address 146 E. 161 St.

By (Sign)

Michael B. Steinfeld
Telephone No. CH 2-3534

9

COMMITMENT

EXAMINATION..... TRIAL..... INVESTIGATION..... PENDING SENTENCE.....
(Check One)
Date 11-9-70 CAL. No. Docket No. 10931

Criminal Court of the City of New York

Part, County of

TO THE COMMISSIONER OF CORRECTION OF THE CITY OF NEW YORK:

Larry Mullen charged with 125.25 + 265.05

is committed to your custody by order of Honorable JOHN CARRO

a Judge of the Criminal Court, until DEPT. OF CORR. 1970, at which time you shall deliver this defendant to Part, County of

unless he be released in bail, herein set forth, or by due process of law.

A TRUE EXTRACT OF THE MINUTES.

Bail \$ REMAND

William J. Dinan
Court Clerk in Charge
Court Clerk



COMMITMENT FOR PSYCHIATRIC EXAMINATION

Pursuant to (Sec. 658 and 660) (Sec. 870) or (Sec. 875)
(In counties having a Director of Community Mental Health Services)

CRIMINAL COURT
YOUTH TERM
161st ST. & THIRD AVE.
BRONX, N. Y. 10451

At a (stated) (special) Term, Part
(Strike out inappropriate words)

Court _____, County of _____
held at the Court House in

(City County of Village)
On 11-9-76
(Date)

PRESENT: Hon. J. JIN CHANG, Presiding

The People of the State of New York
vs
LARRY MULLAN
Defendant

Docket No. 10231
Indictment No.
Information No.
Filed 11-9, 19 76

The above named defendant being before this court charged with MURDER 2ND DEGREE
in violation of 175.05 & 175.05

and the court having reasonable ground for believing that said defendant is in such state of idiocy, imbecility or insanity as to be incapable of understanding the charge, indictment or proceedings or of making his defense and the court having ordered the said defendant to be examined pursuant to Section (658 and 660) (870) (875) of the Code of Criminal Procedure and
(Strike out inapplicable sections)

_____, Director* of Community Mental Health Services for
the (County) (City) of _____
(Strike out inappropriate words)

having recommended to the court the commitment of said defendant for such examination, the necessity for the commitment for such purpose having been shown, and

The consent of the _____ Hospital
having been obtained for the commitment of said defendant to the said hospital for such examination, and due deliberation having been had.

NOW, THEREFORE, it is

ORDERED that the above named defendant, LARRY MULLAN,
be and hereby is committed to DEPT. OF CORRECTIONS Hospital for such mental examination for a reasonable period not to exceed sixty (60) days to be examined by two qualified psychiatrists designated by said Director of Community Mental Health Services to determine whether the defendant is in such state of idiocy, imbecility or insanity as to be incapable of understanding the charge, indictment or proceedings or of making his defense, and it is further

ORDERED and (the) Dept. of Correction
(Enter appropriate Peace Officer or Agency) hereby is directed to cause

the transfer of the said defendant from the place where the said defendant now is to the aforesaid hospital for the purpose of such examination and to return the said defendant to the place where the said defendant now is upon the completion of such examination unless otherwise ordered by this court or by any other court of competent jurisdiction pursuant to the provisions of the statutes in such case made and provided, or unless the defendant is admitted to a hospital pursuant to the provisions of Section 873 of the Code of Criminal Procedure, and it is further

ORDERED that upon the completion of said examination that a report be made to this court as provided in Section (862) (872)* of the Code of Criminal Procedure.
(inapplicable section) (Strike out)

Enter
JOHN GARRA
JUSTICE JUDGE

*The title "Director" means the Director or Commissioner responsible for Community Mental Health Services to the County.

COMMITMENT

EXAMINATION..... TRIAL.....

INVESTIGATION.....
(Check One)

PENDING SENTENCE.....

Date.....

CAL. No.....

Docket No. *2208*

NOV 7 1970

Criminal Court of the City of New York

Part *1A*, County of *Brooklyn*

TO THE COMMISSIONER OF CORRECTION OF THE CITY OF NEW YORK:

Jerry Mullan charged with *105.35 265.05*
is committed to your custody by order of Honorable.....
HON. FELHAM ST. GEORGE DISBELL, JPD

a Judge of the Criminal Court, until *11/9*, 19*70*, at which time you shall deliver this
defendant to Part....., County of..... unless he be released in bail,
herein set forth, or by due process of law.

A TRUE EXTRACT OF THE MINUTES

Bail \$ *No Bail*

W. Thompson
Court Clerk



FOR DR. SNOV

OFFICE OF PROBATION
REPORT TO COURT

DATE: 11/7/70
COUNTY: BX

RATING: (ROR) Exclusive of Present Charge
Information Rated Favorably
for ROR: Yes Ver. _____ Unver. _____
No

ROR Investigation Not Made Because:
Excludable Case
Warrant
Insufficient Staff Available

Comments: HOMICIDE

Name: MULLAN, LARRY Age: 17 Charge: Hom Docket No. _____

Expect: Pvt. Act? Yes _____ No _____ To Post Bail Yes _____ No _____

RESIDENCE

246 E 199 ST
Address When Arrested _____ Phone _____ for _____ with whom _____
Prior Address _____ for _____
N.Y.C. Resident for _____

FAMILY TIES

Whom _____ Name _____ Rel _____ Address _____

EMPLOYMENT & RESOURCES

(When Arrested) _____ Name & Address _____ for _____ Salary _____
Previous Employer _____ Name & Address _____ for _____ Last Date _____
Unemployed _____ Last Date _____ If unemployed, how supported? _____
Welfare _____ Where? _____ Amount _____
Other Resources _____ Specify _____ Amount _____

SCHOOL

Currently: Yes _____ No _____ Date Left _____
Hospital Health: _____

PRIOR CONVICTIONS:

Felonies _____ Misdemeanors _____
On Probation _____ Parole _____ Where _____ P.O. _____
If Released: Will live at _____ with _____

Identification: _____

References _____ Address _____ Phone _____
_____ Address _____ Phone _____

D.J. Kennedy
Investigator

I have consented to this investigation and certify that this information is correct.

Signature

CRIMINAL COURT ACTION

CRIMINAL COURT OF THE CITY OF NEW YORK
UPON REVIEW OF THIS REPORT AND OTHER INFORMATION CONCERNING PRE-TRIAL RELEASE OF THE ABOVE NAMED DEFENDANT IT IS HEREBY ORDERED THAT THE DEFENDANT BE:

County _____
Part _____

- PAROLED
- BAIL NOT SET
- RELEASED UPON DEPOSITING:
\$ _____ SURETY BOND; OR
\$ _____ CASH IN LIEU OF BOND

NEW YORK CITY _____ X _____ JUDGE OR JUSTICE

SHORT AFFIDAVIT
Section 55—New York City Criminal Court Act.

Criminal Court of the City of New York

Part 3, County of Bronx

STATE OF NEW YORK }
COUNTY OF Bronx } ss.:

Ptl. J. E. Oxley, 25002 being duly sworn, says that he is a Police Officer of the City of New York assigned to the 52 Pct.

That as a result of information received and investigation made, he arrested Larry Mullan

on a charge of 125.0 PL. and 265.05/9 PL.

which he believes the defendant committed on 8:16 PM, November 6, 1970, 19

at 246 E. 199 St., Apt. 2K

in the City and State of New York, County of Bronx

in that The Defendant did, with the intent to cause the death of one Patrick Mullan and Loretta Mullan of 246 E. 199 St., stab said victims with a knife thereby causing ~~gt~~ their death. Weapon recovered.

E

Wherefore deponent prays that defendant be held a reasonable length of time to enable deponent to produce complainant or to complete the evidence in the case.

Sworn to before me

November 7, 1970

Anthony J. [Signature]
Sgt.

PRE-ARRESTMENT

[Signature]
Complainant Squad

Pending Leaves: (see R & P 14/26.0)

Vacation.....

Other Leave:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

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

- against -

LAWRENCE MULLAN,

Indictment No. 3973/70

Defendant.
----- X

ALEXANDER E. SCHEER, under the penalty of perjury and pursuant to Rule 2106 C.P.L.R. affirms and states:

That I am an Assistant District Attorney in the office of the Bronx County District Attorney and submit this affirmation in answer to the application of the defendant which seeks an order for the employment of a psychiatrist.

The moving papers allege that the defendant is in need of a psychiatrist as an expert witness for the defendant, to examine the defendant and render an opinion as to his present mental status to stand trial, the defendant having moved to controvert a report by psychiatrists at Bellevue Hospital, which report found that the defendant was able to stand trial.

Additionally, it appears from the moving papers that counsel for the defendant questions the defendant's mental condition at the time of the commission of the crimes he allegedly committed as set forth in the indictment.

The People have no objection to the relief requested in the defendant's application.

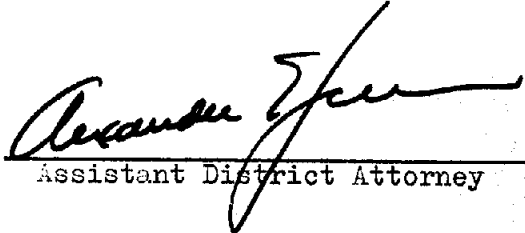
In order to meet the issues that may be raised by the defendant, to wit, his mental condition at this time and at the time of the commission of the crimes as set forth in the indictment, it is necessary for the People to employ its own psychiatrist to examine the defendant and to have the defendant submit to interrogation by our psychiatrist.

Therefore, the People request this Court for an order directing the defendant to submit to an interrogation and examination by a psychiatrist of our choosing, which examination and interrogation should take place at the same time that the defendant is examined by the defendant's psychiatrist. Additionally, the People request the Court for a further order directing the Department of Correction to provide suitable accommodations for the examination of the defendant by both psychiatrists.

WHEREFORE, it is respectfully submitted that this application be granted.

Dated: Bronx, New York

June 4, 1973


Assistant District Attorney

SUPREME COURT
COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK

— against —

DAVIDSON ROSSER,

Defendant.

**AFFIDAVIT OF
SERVICE BY MAIL**

Initiated on 06/18/70

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

Bill Meyer, being duly sworn, says: I am

Legal Secretary,

in the Office of the District Attorney of the County of Bronx.

On the 4 day of June 19 70

I served three copy of an order to appoint legal adviser

on ROYAL V. HORNAD, Esq., attorney for defendant

by enclosing same in a securely sealed post-paid wrapper addressed as follows:

Edward V. Hornad, Esq.
290 West 17th Street
New York, N.Y. 10019

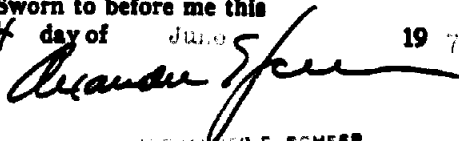
and depositing same in the post office box regularly maintained by the United States
Government located at 851 Grand Concourse, Bronx, New York, addressed to

the attorney at the above number

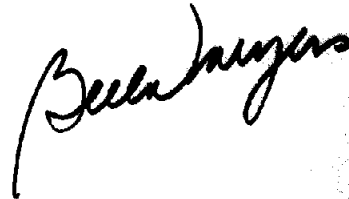
that being the address given by him

in the last papers served by him in the within proceeding.

Sworn to before me this
4 day of June 19 70.



ALEXANDER E. SCHER
Notary Public, State of New York
No. 08 0790400
Qualified in Bronx County
Commission Expires March 20, 1982



At a Term of the Criminal Part of
the Supreme Court of the State of
New York at Part 12 thereof at the
County Courthouse, 161st Street and
Grand Concourse, Bronx, N.Y., on

~~20th day of July 1973~~ *the 3rd day of August 1973*

P R E S E N T : **HON. JOSEPH P. SULLIVAN**

Justice of the Supreme Court

THE PEOPLE OF THE STATE OF NEW YORK

3978/30

-against-

LAWRENCE MULLAN,

Defendant.

After reading and filing the Notice of Motion dated June 1, 1973, the affidavit of Edward V. Morand, Esq., dated June 1, 1973 in support of the motion, and the reply affirmation of Alexander E. Scheer, Esq., dated June 4, 1973 and after due deliberation having been had there on, it is

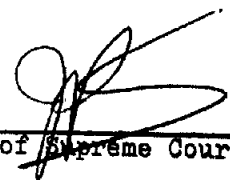
ORDERED, that the Warden of Rikers Island Prison or the Warden of the Bronx House of Detention for Men permit Dr. Martin Lubin to conduct an examination of the defendant, Lawrence Mullan, now in their custody at such time or times as can be mutually arranged between the said Wardens and Dr. Martin Lubin, and it is further

ORDERED, that upon presentation of a certified copy of this order, access to said places of detention be accorded to Dr. Martin Lubin and proper facility be provided by said Wardens to permit such examination in privacy, and it is further,

ORDERED and directed that the defendant submit to an interrogation and examination by Dr. Martin Lubin at such time or times as may be required in the judgment of the said Dr. Martin Lubin.

E N T E R

Justice of Supreme Court



FILED

JUN 10 1973

SUPREME COURT CLERKS OFFICE
BRONX COUNTY

SUPREME COURT
COUNTY OF BRONX

SPECIAL AND TRIAL TERM PART XII

THE PEOPLE OF THE STATE OF
NEW YORK

vs.

LAWRENCE MULLEN,

Defendant

File Number 3978 19 70

Motion for: psychiatric examination

Submitted June 8 19 73

Argued 19

Present:
HON. JOSEPH P. SULLIVAN,
J. S. C.

	Papers Numbered
Notice of Motion and Affidavit Annexed	1
Order to Show Cause and Affidavit Annexed	
Answering Affidavits	2
Replying Affidavits	
Exhibits	
Stenographic Minutes	

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

Defendant has pleaded not guilty by reason of mental disease and defect. His counsel now moves for an order permitting a psychiatrist at county expense (County Law § 722-c) to examine defendant at the Bronx House of Detention for the purpose of preparing to controvert a report of the Court psychiatrists who found him capable to stand trial.

The application is granted and the order submitted by defense counsel is signed and entered simultaneously herewith. The district attorney's motion for an order permitting a psychiatrist of his choosing to examine defendant relative to the latter's defense of mental disease or defect is likewise granted. Submit order on notice to defense counsel.

Opinion filed herewith.
Dated July 3, 19 73
People's Brief
Defendant's Brief



J. S. C.

9
SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

June 1st 1973

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

-against-

Indictment # 3978/70

LAWRENCE MULLEN,

Defendant.

-----X-----
S I R :

PLEASE TAKE NOTICE, that upon the annexed affidavit of Edward V. Morand, duly verified, the indictment herein and all the papers and proceedings had herein, the undersigned will move this Court at Trial Term Part 12 thereof, to be held on the 9th day of June 1973 at 10:00 o'clock in the forenoon, or as soon thereafter as counsel can be heard, for an Order directing the employment of a psychiatrist as an expert witness for the defendant at County expense, and for such other and further relief as to the Court may seem just and proper.

No previous application for the relief sought herein has heretofore been made.

Dated: New York, N.Y. June 1st 1973.

Yours, etc.

EDWARD V. MORAND
Attorney for Defendant
250 West 57th Street
New York, N.Y. 10019

TO: HON. MARIO MEROLA
District Attorney
Bronx County
851 Grand Concourse
Bronx, N.Y. 10451

FILED

JUN 1 1973

SUPREME COURT CLERK'S OFFICE
BRONX COUNTY

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

----- X

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

INDICTMENT # 3978/70

LAWRENCE MULLEN,

Defendant.

----- X

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss:

EDWARD V. MORAND, being duly sworn, deposes and
says:

I am the attorney for the defendant, and make this
affidavit in support of a motion for an order directing the
employment of a psychiatrist as an expert witness to testify
on his behalf, at County expense.

On March 26, 1973, I was assigned as counsel for
the defendant upon the trial of the above indictment. I was
assigned by Mr. Justice Brust.

At my second appearance in Part 12, I was advised
that a psychiatrists report had been made in which the
psychiatrists stated that they had found the defendant legally
sane. At that time I moved to controvert the report and
requested that an Order be granted to appoint ARTHUR C.
GREENE, a qualified psychiatrist to conduct further tests.
The matter is now on the calendar for June 21, 1973, Part 12.

I believe a serious question exists as to the
defendant's mental condition at the time of the commission of
the alleged crime and question whether he knew the nature of
and quality of his acts or that they were wrong.

The defendant has been committed for observation and

despite the opinion of the psychiatrist "the defendant does not as a result of mental disease or defect lack the capacity to understand the proceedings against him, to act in his defense".

That from my short observation, I believe that he should be examined by another psychiatrist at the expense of the County. Without it, the contemplated defense of insanity cannot possibly be presented in a manner adequate to give full protection to the defendant's rights.

The defendant is destitute of means with which to procure necessary expert aid such as a psychiatrist, to have, in the interest of justice, the relief now sought should be granted.

No previous application for the relief sought herein has been made.

WHEREFORE, it is respectfully requested that an Order be granted directing the employment of ARTHUR C. GREENE, a psychiatrist as an expert witness to assist the defendant at the expense of the County.

Sworn to before me this
day of June 15, 1973.


EDWARD V. MORAND

SUPREME COURT
COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK

— against —

LAWRENCE MULLAN,

Defendant.

**AFFIDAVIT OF
SERVICE BY MAIL**

Indictment No. 3978/70

STATE OF NEW YORK }
COUNTY OF BRONX } ss.:

Bella Meyers , being duly sworn, says: I am

a legal secretary

in the Office of the District Attorney of the County of Bronx.

On the 31 day of July 19 73

I served a true copy of an order

on EDWARD V. MORAND, ESQ., ATTORNEY FOR DEFENDANT.

by enclosing same in a securely sealed post-paid wrapper addressed as follows:

Edward V. Morand, Esq.
250 West 57th Street
New York, N.Y. 10010

and depositing same in the post office box regularly maintained by the United States
Government located at 851 Grand Concourse, Bronx, New York, addressed to

the attorney at the above number

that being the address given by the attorney

in the last papers served by him in the within proceeding.

Sworn to before me this

31 day of July 19 73. X

Edward V. Morand

FREDERICK E. SCHEER
Notary Public, State of New York
County of Bronx
10, 1973

Bella Meyers

SUPREME COURT STATE OF NEW YORK
COUNTY OF BRONX

Ind. # 3978/70

PEOPLE OF THE STATE OF NEW YORK

vs

LAWRENCE MULLEN

SIR:

PLEASE TAKE NOTICE that upon the trial of this action the defendant will interpose a defense that he was at the time of the commission of the alleged crime insane and incapable of interposing an adequate defense.

Defendant has heretofore entered a plea of NOT GUILTY with specifications of insanity.

Yours, etc.,

EDWARD V. MORAND
Attorney for Defendant
250 West 57th Street
New York 10019

To:

Hon. Mario Merola
District Attorney
Bronx County

*Copy received by
Kevin P. Gullace for
Alexander Scheer.*

FILED

JUN 20 1973

SUPREME COURT CLERK'S OFFICE
BRONX COUNTY

EXAMINATION REPORT

(Psychiatric examination, C.P.L. Article 730)

STATE OF NEW YORK

SUPREME COURT

COUNTY OF BRONX

JUSTICE CHARLES G. TIERNEY

THE PEOPLE OF THE STATE OF NEW YORK

VS

LAWRENCE MULLAN

DEFENDANT

EXAMINATION REPORT SBx 9773

Docket No.

Indictment No. 3978/70

Information No.

Charge Murder

in violation of § 125.25

I, the undersigned, duly certified pursuant to law as a qualified psychiatrist or a certified psychologist, having been designated by Harvey Bluestone, M. D., Director of Bronx-Lebanon Mental Health Center pursuant to an order signed by Hon. Charles G. Tierney, Justice of the Supreme court, Bronx county, dated March 23, 1973, to examine the above-named defendant pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

FILED MAY 14 1973 SUPREME COURT CLERK'S OFFICE BRONX COUNTY

The nature and extent of the examination was as follows: I conducted a psychiatric examination of 1 1/2 hours of Defendant on April 27, 1973 at the Bronx Supreme Court Psychiatric Clinic. I observed his thought, emotions and behavior; elicited and reviewed history, and evaluated his mental status.

I have come to the following opinion as a result of such examination:

(NOTE TO EXAMINER: If the following paragraph sets forth the opinion of the examiner, sign the report where indicated below and do not complete Page 2. Otherwise, strike out the following paragraph, complete fully the remainder of this report and sign on Page 2.)

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

SIGNATURE: Charles T. Henderson, M.D. (Print name - Charles T. Henderson, M. D. (Qualified Psychiatrist))

DATED: May 13, 1973

STRIKE OUT ONE

EXAMINATION REPORT

(Psychiatric examination, C.P.L. Article 730)

STATE OF NEW YORK

SUPREME COURT

COUNTY OF BRONX

JUSTICE CHARLES G. TIERNEY

THE PEOPLE OF THE STATE OF NEW YORK

VS

LAWRENCE MULLAN

DEFENDANT

EXAMINATION REPORT SBx 9773

Docket No.

Indictment No. 3978/70

Information No.

Charge Murder

in violation of § 125.25

I, the undersigned, duly certified pursuant to law as a qualified psychiatrist or a certified psychologist, having been designated by Harvey Bluestone, M. D., Director of Bronx-Lebanon Mental Health Center, pursuant to an order signed by Hon. Charles G. Tierney, ~~Judge~~ (Justice) of the Supreme court, Bronx county, dated March 23, 1973, to examine the above-named defendant, pursuant to Article 730 of the Criminal Procedure Law, to determine if the defendant is an incapacitated defendant, have conducted such examination with due care and diligence.

The nature and extent of the examination was as follows: On April 27, 1973, at the Bronx Supreme Court Psychiatric Clinic, I examined the above named Defendant for 1 1/2 hours. This consisted of my observations of his appearance, attitude and behavior. I tested and evaluated his present mental status, and reviewed his previous examination. Please see attached History and Clinical Summary.

I have come to the following opinion as a result of such examination:

(NOTE TO EXAMINER: If the following paragraph sets forth the opinion of the examiner, sign the report where indicated below and do not complete Page 2. Otherwise, strike out the following paragraph, complete fully the remainder of this report and sign on Page 2.)

It is my opinion that the above-named defendant does not as a result of mental disease or defect lack capacity to understand the proceedings against him or to assist in his defense.

SIGNATURE: Emasue Snow M.D.
(Print name - Emasue Snow, M. D.)
(Qualified Psychiatrist) (~~Qualified Psychologist~~)

DATED: May 13, 1973

STRIKE OUT ONE

HISTORY AND CLINICAL SUMMARY

Mr. Mullan is a 19 year old, unmarried white male, native of the Bronx, who was neatly dressed and groomed, fully oriented, attentive and cooperative at examination. He recalled having been seen by me on November 9, 1970, shortly after his arrest, and was able to provide a coherent account of his hospitalizations since that time at Bellevue and at Matteawan State Hospital.

Mr. Mullan's past history reveals that he was the younger of his parents' two sons, his older brother being 10 years senior. He did well in school through the 8th grade but when he entered high school, he began to have difficulty concentrating on subjects, failed all his classes and had refused to even attend school for nearly a year prior to his arrest. He had serious conflicts with his parents, had begun drinking to excess whenever he could, and ~~often~~ often remained away from home for several days. He had no prior hospitalizations but both Defendant and his parents had attended some psychological counselling over these problems prior to August, 1969.

At the time of his previous examination, Defendant showed evidence of extreme emotional tension, his affect was flat, and he was acutely suicidal. At present he is in good contact, his expression of emotion is much more relaxed, appropriate in range and degree. He responded to questions relevantly and coherently. He achieved an I.Q. of 118 on testing, indicating he functions at a superior level of intelligence. His ability at abstraction is good and although he did not complete a high school equivalency program, his fund of information is compatible with that of a high school graduate.

Defendant shows some superficial insight into his illness but continues to undergo episodes of severe depression lasting from an hour to a day at irregular intervals. Once since his return from Matteawan he impulsively cut his wrists superficially. He should be ordered to continue psychiatric treatment when and if he is released from custody to enable him to overcome this depression completely.

In my opinion he is fully capable of standing trial. He is fully aware of the details of the charges pending against him and able to assist in his own defense.

E. Snow M. D.

**VOUCHER FOR SERVICES RENDERED OTHER THAN COUNSEL
UNDER ARTICLE 18-B, SECTION 722-c OF THE COUNTY LAW**

THE COMPTROLLER OF THE CITY OF NEW YORK

To ARTHUR H. GREEN M.D.
(Claimant)
% Edward V. ~~AKXK~~ Morand esq. 250 West 57th St N Y 10019
(Address)

Pursuant to the authorization contained in the attached copy of the ORDER of the SUPREME COURT OF THE STATE OF NEW YORK, COUNTY OF BRONX in the case of THE PEOPLE OF THE STATE OF NEW YORK against LAWRENCE MUUAN defendant, Indictment No. 3978/70

the following services were rendered for which claim is made in the amount of \$ 375.00

I. TIME SPENT IN OPEN COURT Date No. of Hours
Explain nature of services

TOTAL _____

II. TIME SPENT OUT OF COURT

(a) Interviews (specify) Rikers Island 3 hours @ \$75

Travel Time 2 hours @ \$ 75

(b) Consultations

(c) Examinations

FILED
MAR 21 1974
SUPREME COURT CLERK'S OFFICE
BRONX COUNTY

TOTAL \$ 375.00

III. If compensation and/or reimbursement in this case has heretofore been applied for or received, so state _____

AMOUNT CLAIMED

Item I hrs.

Item II 5 hrs.

Certified correct. Payment has not been received and, except as noted in Item III above, no payment or promise of payment has been requested or accepted for rendering services for the above named defendant.

Arthur H. Green M.D.
Claimant

Sworn to before me this 19th day

of March 1974

Robert E. Kamuda
Notary Public
State of New York
Commission Expires March 20, 1975

DO NOT WRITE IN THIS SPACE
FOR COURT USE ONLY

AMOUNT ALLOWED

Item I \$ _____

Item II \$ _____

Total \$ 250

Dated: _____, 19 _____

Lawrence Muuan
Justice of the Supreme Court of the State of New York

ORIGINAL - For Court Files

3978
70

**VOUCHER FOR SERVICES RENDERED OTHER THAN COUNSEL
UNDER ARTICLE 18-B, SECTION 722-c OF THE COUNTY LAW**

THE COMPTROLLER OF THE CITY OF NEW YORK

To ARTHUR H. GREEN M.D.

(Claimant)

% Edward V. ~~ABXMX~~ Morand esq. 250 West 57th St N Y 10019

(Address)

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3 hours @ \$75

Travel Time

2 hours @ \$ 75

(b) Consultations

(c) Examinations

FILED
MAR 21 1974
SUPREME COURT CLERK'S OFFICE
BRONX COUNTY

TOTAL

\$ 375.00

III. If compensation and/or reimbursement in this case has heretofore been applied for or received, so state.....

AMOUNT CLAIMED

Item I hrs.

Item II 5 hrs.

Certified correct. Payment has not been received and, except as noted in Item III above, no payment or promise of payment has been requested or accepted for rendering services for the above named defendant.

Arthur H. Green M.D.
Claimant

Sworn to before me this 19th day

of February 1974

Albert E. Karnool
Notary Public, State of New York
Commission Expires March 30, 1975

DO NOT WRITE IN THIS SPACE

FOR COURT USE ONLY

AMOUNT ALLOWED

Item I \$

Item II \$

Total \$ 250

Dated: Feb 21 1974, 19 ..

Lawrence Muuan
Justice of the Supreme Court of the State of New York

46

At a Term of the Criminal Part of the Supreme Court of the State of New York at Part 12 thereof at the County Courthouse, 161st Street and Grand Concourse, Bronx, N.Y., on the 3rd day of July 1973.

P R E S E N T :

~~XXXXXXXXXXXX~~
JOSEPH P. SULLIVAN
Justice J.S.C.
----- X

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

LAWRENCE MULLEN,

Defendant.
----- X

Upon the annexed affidavit of EDWARD V. MORAND, duly verified, the 1st day of June 1973, the Indictment No. 3978/70 *and defendant's counsel having moved for an* ~~the~~ Order of this Court appointing ARTHUR C. GREENE, M.D. to

conduct a psychiatric examination of the defendant herein,

pursuant to Statute ~~11-10~~ *and there being no objection*

made by the District Attorney and after due deliberation
ORDERED, that the Warden of Rikers Island Prison,

or the Warden of the Bronx House of Detention, Bronx, New York,

permit the said ARTHUR C. GREENE, M.D., to conduct an examina-

tion of the said defendant now in his custody at such time

as can be mutually arranged between the said Warden and

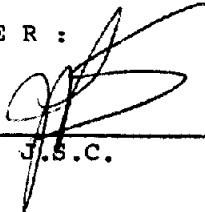
ARTHUR C. GREENE, M.D, and it is further

ORDERED, that, upon presentation of a certified copy of the within Order, access to said places of detention be accorded to ARTHUR C. GREENE, M.D., and proper facility be provided by said Warden to permit such examination in privacy, and it is further

ORDERED, that if in the judgment of said ARTHUR C.

GREENE, M.D., additional visitation for further examination
be required, that the within Order should be construed to
permit same.

ENTER :

A handwritten signature in dark ink, consisting of several loops and a long horizontal stroke, positioned above a horizontal line.

J.S.C.

SUPREME COURT - BRONX COUNTY

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

against

Indictment No.

Lawrence Mullan

3978/70

-----X
I, *Lawrence Mullan*

having been indicted by the

Grand Jury of Bronx County on the *3* day of *Dec 1970*, for the

crime of *Murder*

and the said indictment having been moved for trial by the

District Attorney of Bronx County on the _____ day of *OCT 1973*

do hereby consent to the trial of the said indictment by the Court
without a jury, and in accordance with the provisions of Article
I, Section 2 of the New York State Constitution, waive my right to
be tried by a jury.

Dated: *OCT 10 1973*

Lawrence Mullan
Defendant

On this _____ day of *OCT 10 1973* the defendant appeared
before this Court, and in open court and with the approval of
this Court, signed the foregoing waiver of a jury trial.

Francis J. Blouin
Justice of the Supreme Court

003978/70 01 MULLAN

LARRY

PRISON

CHARGES

125.25 Murder

pt. 12 8/14

pt. 12 7/20

pt. 25 10/10

Trial (FRANCIS J. BLOUSELIN

Trial 00010 1973

FRANCIS J. BLOUSELIN (N.J. wain)

Not guilty by reason of insanity

ORDER OF COMMITMENT

(C.P.L. Article 330, Section 330.20)

STATE OF NEW YORK
SUPREME COURT
COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK

vs

Lawrence Mullan

ORDER

Indictment No. 3978 / 70

The above-named person being before this Court and said person having been acquitted of the crime of Murder, (3 counts), by reason of ^{mental} ~~by~~ reason of mental disease or defect, it is ordered that said person be committed to the custody of the Commissioner of Mental Hygiene to be placed in an appropriate institution in the State Department of Mental Hygiene, and it is

ORDERED that the New York City Department of Correction hold said person pending designation of an appropriate institution in which said person must be placed, and when notified by the Commissioner of Mental Hygiene of the designated institution, the New York City Department of Correction must forthwith cause said person to be delivered to the head of such institution.

Dated OCT 10 1973

FRANCIS J. BLOUSTEIN

(Print name to be signed)

Justice of the Supreme Court

Supreme Court

County of Bronx

INVESTIGATION

Date

A. D. A.

Steno.

Ind. Bur. A. D. A.

GRAND JURY

Date

A. D. A.

Steno.

Witnesses:

* 12/28/70 * 1/14/71
* 1/21/71 * 2/10/71
3-25-73
H-37-73
PTM 5-17-73
6-21-73
6-21-73
6-21-73
PTM 5-17-73
6-21-73
6-21-73
6-21-73

No. 3978-70

Filed, 3 day of Dec. 1970

THE PEOPLE OF THE STATE OF NEW YORK

vs.

LAWRENCE MULLAN, P.

Defendant

INDICTMENT

MURDER

Penal Law § 125.25, Subdivision 1
VIO. SEC. 265.05 P.L.

BURTON B. ROBERTS

District Attorney

A True Bill

(Signature)
Foreman

Jan 28, 1971
Committee to Prosecution

State Hospital on
12/23/70

3-23-73

Return for question
paid steno. re
order on file.

Remembered.

24. 4-27-73

CHARLES G. TIERNET

IVAN WARNE

3-26-73 call app Div + ask
re account of counsel. for
PTM 5-17-73
A City News &
Environment & Psychological
report

55



PAUL C. AGNEW, M. D.
DIRECTOR

STATE OF NEW YORK
DEPARTMENT OF CORRECTIONAL SERVICES
MATTEAWAN STATE HOSPITAL

BEACON, N. Y. (12508)
AREA CODE 914-831-4800

March 16, 1973

FILED

Re: Larry Mullan
Indictment No. 3978/70
Murder

SUPREME COURT CLERK'S OFFICE
BRONX COUNTY

Presiding Justice
Supreme Court
Bronx County
Bronx, New York

Dear Sir:

I send the following information regarding
the above named patient,

He was admitted to this institution on
December 23, 1970, under Section 662 CCP, having been
indicted in Bronx County.

He was examined at Bellevue Hospital and found to
be mentally ill and unable to stand trial.

He has shown gradual improvement in his mental
condition while in this hospital and has been found to
have sufficiently recovered from his psychosis to be returned
to court for further legal action.

This patient is not on medication.

Very truly yours,
Paul C. Agnew, M.D.
PAUL C. AGNEW, M. D.
DIRECTOR

ak
Encs. Notification of Fitness to Proceed
cc to DA
cc to Dr. Edward Kaufmann
Attention Psychiatric Block, Bronx House of Detention

NOTIFICATION OF FITNESS TO PROCEED
(C.P.L. Article 730)

STATE OF NEW YORK

Supreme COURT

COUNTY OF BRONX

BRONX, NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

VS

LARRY MULLAN

DEFENDANT

NOTIFICATION OF FITNESS TO PROCEED

Docket No.

Information No.

Indictment No. 3978/70

TO: The above-named court

TO: District Attorney, Bronx County

You are hereby notified that the above-named defendant, who was committed to the custody of the Commissioner of Mental Hygiene by order of this court, dated Dec. 23, 1970, and thereafter retained in such custody by further order or orders of retention each dated None

(indicate if none)

and who is now confined, pursuant to designation of said Commissioner, at Matteawan State Hospital, of which I am in charge, has been determined by me to be no longer an incapacitated person.

You are hereby requested to direct the Sheriff of your county or your local Department of Correction to take custody of the said defendant in accordance with law.

DATED: March 16, 1973

Paul C. Agnew M.D.
SIGNATURE OF DIRECTOR

PAUL C. AGNEW, M. D.

PRINTED NAME

MATTEAWAN STATE HOSPITAL

HOSPITAL

ak

Form

Supreme Court, Bronx County

THE PEOPLE, Etc.,
vs.
Lawrence Mulla

IND #
3978/70

A.D. assignment

To the CLERK,

Sir:

Lawrence Mulla

You are hereby notified that I appear for.....

the defendant in the above-entitled action.

Dated, New York, 3/27 1970

Yours, etc.,

Edward V. Morand
Attorney for Defendant.

Address 250 W 57 St
NY 10019

Telephone No. PP 7-5257

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF BRONX

THE PEOPLE OF THE STATE OF NEW YORK,

against

LAWRENCE MULLEN

Defendant

Indictment No. 3978/70

**ORDER APPOINTING
COUNSEL**

Charge: MURDER

A Felony Misdemeanor

After a review of the defendant's financial status and being satisfied that the above defendant is financially unable to obtain counsel and upon his request for the appointment of counsel, it is

FILED

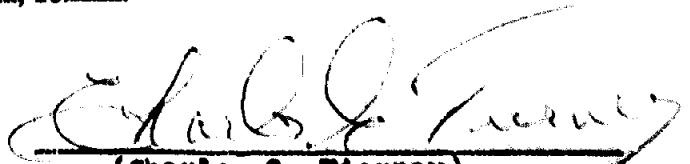
ORDERED that the following member of the Bar is hereby appointed to represent the defendant in all matters pertaining to this action in this Court:

**SUPREME COURT CLERK'S OFFICE
BRONX COUNTY**

Name Edward V. Morand, Esq.
Address 250 W. 57th Street (Room 1304)
New York, N. Y.
Telephone No. PL 7--5257

The said attorney is authorized, pursuant to the provisions of Article 18-B of the County Law of the State of New York, to present to the court a claim for compensation and reimbursement for expenses of representation reasonably incurred.

Dated: this 26th day of March, 1973


(Charles G. Tierney)

**Justice of the Supreme Court
of the State of New York**

I, LEO LEVY, Clerk of the Supreme Court, County of Bronx, do hereby certify that the annexed is a copy of a *motion* now on file in the Clerk's Office and that the same has been compared by me with the original and is a correct transcript therefrom and of the whole of such original.

GIVEN UNDER my hand and attested by the seal of the said County
this *19th* day of *March* 197*3*

Leo Levy
LEO LEVY
Clerk of the Supreme Court, Bronx County

65

3978/70

VOUCHER FOR COMPENSATION AND EXPENSES OF APPOINTED COUNSEL UNDER ARTICLE 18-B OF THE COUNTY LAW

THE COMPTROLLER OF THE CITY OF NEW YORK

To Edward V. Morand (Name of Payee) 250 West 57th Street, New York, N.Y. 10019 (Address)

Pursuant to the authorization contained in the attached copy of the ORDER APPOINTING COUNSEL in the case of People of the State of New York against Lawrence Mullen

Indictment No. 3978/70 claim is hereby made for compensation and expenses of representation, as follows:

I. TIME SPENT IN OPEN COURT. Table with columns Date and Hours. Rows include Arraignment and plea (4/27/73, 2 hours), Plea (when separate from arraignment), Sentence hearing (10/10/73, 1 hour), Continuances (5/17/73; 6/13; 6/15; 6/21; 8/24; 9/20, 18 hours), Trial (list time for each day separately) (10/10/73, 2 hours).

FILED OCT 23 1973

SUPREME COURT CLERK'S OFFICE BRONX COUNTY

(g) State disposition of action Trial held (non-jury) 3 counts of murder. defendant acquitted, Justice Bloustein. Defendant remanded to Dept. Mental Hygiene for further psychiatric treatment. (State (a) if after trial, whether guilty or not guilty; if guilty, of what crime and whether felony or misdemeanor and sentence imposed; and (b) if plea is taken, to what crime, whether felony or misdemeanor and sentence imposed.)

II. TIME SPENT IN PREPARATION (OUT OF COURT): Table with columns Date and Hours. Rows include Interviews with client (specify place) Court prison pen 4/27/73; 5/17; 6/13; 6/15; 6/21; 9/20 (5 hours), Legal research, Investigative work: Interviews with witnesses, Consultation with prosecuting officials at DA office 6/5/73; 6/13; 6/19; 8/14; 9/20 (4 hours), Consultation with probation officers, Other (specify) Prep. Notice of Motion, affidavit & order for appt. of psychiatrist, consultations with psychiatrist 6/1/73; 6/15; 6/21; 7/6; 7/9; 9/20 & consultation with psychiatrist (4 hours).

III. EXPENSES OF REPRESENTATION (ITEMIZE) at Rikers Island 5/16; 8/31 Amount 1

Defendant is waiving \$85.00

IV. If compensation and/or reimbursement in this case has heretofore been applied for or received, so state

CLAIM table with columns Partial, Final, XXX, No. of hrs. Item I: 23, Item II: 15, Item III: \$

Certified correct. Payment has not been received and, except as noted in Item IV above, no payment or promise of payment has been requested or accepted for representing the above defendant. The undersigned, an attorney at law of the State of New York, as assigned counsel for the defendant aforesaid, affirms the foregoing to be true under penalty of perjury.

Dated: 10/16, 1973 Assigned Counsel

ALLOWANCE table with columns I, II, III, Total. Row I: hrs. at \$ per hr. \$490.00. Row II: hrs. at \$ per hr. \$. Row III: \$ Total: \$490.00

Dated: Oct. 23, 1973 Francis J. Bloustein Justice of the Supreme Court