

## **Eddie's Own Words**

I would first like the public to know that I am innocent of this murder and I am working with a team of lawyers on filing a new trial motion (Rule 30) sometime in the fall. We are working on several issues and I was advised by them to limit what I say during this process.

I can understand their caution but at the same time I would like to present the public with some kind of explanation to my involvement in this case and some of the issues that will be brought up during the appeal.

On the night of June 23, 1995 Janet Downing was brutally and horrifically murdered in her home on Boston Street in Somerville, Massachusetts. She was a victim of a malicious crime that no one should have endured, let alone Ms. Downing, who was my neighbor and best friends' mother.

The day was a regular day. I worked in the morning at a local convenience store putting together the Sunday newspapers and stocking the shelves from 7:00 am to about 12:00 pm. After work I took a nap. Around dinner time I woke up, ate and asked my sister, Jeannie O'Brien, who was with Paul Downing, drive me down to Union Square to attend the 5:30 pm mass at St. Joseph's church.

When I entered the church, I was hit with a wave of heat. It was a hot and humid evening and St. Joseph's church was not equipped with air conditioning. I stayed a few minutes and left. It was just too hot in there. I went over to the convenience store I worked at and talked to the clerk for a little bit and read a sports card collecting magazine. About an hour later I walked up the hill to Prospect Hill and saw some friends at the Prospect Hill Tower and chatted with them for a few minutes.

I walked around the corner to Boston Street and saw a few more of my friends, Ryan Downing, Chris Ford, and Joey Dion. We all went into Ryan's house and hung out for about 45 minutes.

I went across the street to my family's home and they ended up going to a friend of theirs house to go swimming.

I stayed on the front porch with my father, Edward O'Brien, sisters, Jessica O'Brien, Mary O'Brien and Megan O'Brien, and neighbor, John Roberts, who had his toddler with him.

Shortly after, about 8:15 pm, Michelle Cameron and Raquel Vega drove up to the house waiting for my sister Jeannie and Paul Downing to arrive. They were all going to Revere Beach together. I talked to Michelle and joked around with her, taking her fake I.D. and not giving it back.

Within a few minutes Jeannie and Paul pulled up. Paul went into his house and Jeannie hung out with us on the sidewalk of my family's house.

About 10-15 minutes later, Paul came out of his house. They all then left for Revere Beach in Michelle's car. Shortly after this I helped put on a Disney movie for my sisters and handed out popsicles. Then helped John Roberts bring his toddler home. This was about 8:50 pm.

I went into my house and talked to my dad, sisters and my grandfather for a bit. Went upstairs to my room, grabbed some money and decided to go get something to eat at Burger king before I was going to go over to my friend Garvey Solomon's house. This was about 9:10 pm now.

As I left my house, I saw Tony Graziano next door on his porch and said hi to him. I looked over at the Downing home and noticed the front door open. I went over to see if Ryan was back from his friend's house. As I approached the door I heard some kind of noise. I opened the screen door and took a step in into the foyer area, it was dark and I couldn't really see much. I heard some more noises and then took a step in from the foyer door and saw Janet on the floor by the dining room doorway. She was not moving. I called out to Janet but did not get a response. I bent down to shake her to see if she was sleeping or unconscious. I received no response. That is when I noticed the blood on her.

This is where my attorneys advised me to stop with my story. There were some things I saw and heard that will be brought to light at some point in the near future.

I understand the Commonwealth's evidence in this case and disagree with most of it. There is a lot we will be challenging in the Rule 30 motion that will be saved for that motion. But, I wanted the public to see some of the issues that will be presented. This will at least show that the Commonwealth's theory and evidence is flawed or outright made-up. Please find below some of those issues.

Several examples that I wish to share are:

1. District Attorney Tom Reilly withheld exculpatory evidence reports until 3 weeks before the trial and then maliciously lying to the jury that the blood evidence was produced by me and not the actual perpetrator.

In the enclosed Cellmark Diagnostics PCR DNA report, from July 25, 1997, three items were tested, A) A small Piece of Metal believed to be a hilt to a knife found on the Third Stair of a stairwell, B) Right Hand Fingernail Clippings of Janet Downing, and C) Left Hand Fingernail Clippings of Janet Downing.

- A) (Third Stair) test results showed a "12" in the TPOX column. I tested for an 8 and a 9 in that TPOX column. Janet Downing tested for an 8 and a 11. Neither Janet Downing, nor I, could account for the "12" in the TXOP column.

I tested for a 11 and a 12 in the CSFIPO Column. DA Reilly lied to the jury and told them that because I tested for a "12" in the CSFIPO Column then that is where the "12" came from in the TPOX column (See enclosure). That is impossible. You can not cross columns to find an inclusive result. With the sample testing for an X and a Y chromosome, it means the secondary source of that sample came from a male.

Test results showed in the THOI column an 8 and a 9.3 for this sample. Because I tested for a 6 and a 9.3 in that column, I could be excluded as a possible donor to that sample because the piece of metal did not have a "6" in that THOI column. With the sample also testing for an X and a Y chromosome, it means the secondary source of that sample came from a male.

- B) (Right Hand Fingernail Clippings) test results showed in the THOI column an 8 and a 9.3 for this sample. Because I tested for a 6 and a 9.3 in that column, I could be excluded as a possible donor to that sample because the fingernail clippings did not have a "6" in that THOI column. With the sample also testing for an X and a Y chromosome, it means the secondary source of that sample came from a male.

C) (Left Hand Fingernail Clippings) Same as letter B above.

2. Crime Scene- DA Tom Reilly ignored the fact in every transfer hearing and the trial that the initial attack took place on the stairwell leading up to the second floor of Janet Downing's home. We have recently received all of DA Reilly's hand-written notes from his work and preparation in this case. In at least three instances Reilly wrote down that the attack initially took place on the stairwell (see enclosures).

In November of 1995, my attorneys sent DA Reilly two affidavits my private investigator secured from a tenant, and her daughter, of Janet Downing that lived on the other side of the duplex of the Downing house (See enclosures).

In these affidavits, both witnesses stated that they heard banging noises on the stairwell in the Downing home at about 8:20 pm.

At 8:20 pm I was on the porch of my family's house with several people (See enclosures).

DA Reilly knew that the stairwell was where the initial attack took place, refused to speak to the witnesses, and refused to acknowledge any of this at any hearing.

3. Reverse Profile- One of the major issues that DA Reilly attempted to magnify was the profile of the murderer of Janet Downing. He created a profile of someone who could not be treated and rehabilitated. We have several questions with his work on these issues and below are just some of the materials we found that will support the additional evidence we have that will go towards a prosecutorial misconduct claim.

A) In one note DA Reilly writes a list for "Need", and at the end of the list he writes "- Reverse Profile it.. working back". This shows that he was not creating a profile

on me but a profile that he created and attempted to fill with whatever information he could find/create to have me fit that profile.

B) Condie- Dr. Condie was DA Reilly's expert witness at the transfer hearings. We have come to find out through the notes that Condie was more than an evaluator but an agent of Reilly's. Which is unethical. In one note with Condie, Reilly writes "If you can't get at fact.. goes about it hypothetically." One issue that we are bringing forward is the way Reilly questioned witnesses and experts. He asked a lot of questions by leading off with "Assuming that...". These were not facts but misleading assumptions. This is highly unethical. Several issues that Reilly

brought up by this "Assuming" line of questioning were reasons why I was bounded over from juvenile court to adult court.

- C) In another note Reilly writes himself a reminder, with a star next to it, stating "Find dirt+ blow it out of proportion." This reminder is what he exactly did. He misrepresented minor statements or events and blew it out of proportion. Reilly then had witnesses lie to blow issues "out of proportion."
- 4. A Downing neighbor, David Lee, heard voices in the street at around 9:30-9:45 pm on the night of July 23, 1995. He thought it was two males saying something like "What are you doing here, get the hell out of here" (See enclosure).

These are just some of the issues that will be raised.

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5/6/97

**CELLMARK**  
DIAGNOSTICS

20271 Goldenrod Lane - Germantown, Maryland 20876

Telephone: (301) 428-4980 (800) USA-LABS  
Administration Fax: (301) 428-4877  
Laboratory Fax: (301) 428-7946

REPORT OF LABORATORY EXAMINATION  
July 25, 1997

Ms. Mary Kate McGilvray  
Chemist III  
Massachusetts State Police Crime Laboratory  
59 Horse Pond Road  
Sudbury, MA 01776

Re: Cellmark Case No. F961430  
Your Case No. C95-704 Somerville

EXHIBITS:

Items of evidence were received for analysis for the above-referenced case. Polymerase chain reaction (PCR) testing was performed on the items listed below by receipt date:

September 6, 1996

<u>ID#</u>	<u>Description</u>
21	Thread labelled "...metal piece on third stair..."

June 26, 1997

Fingernails labelled "...clippings right hand..."  
Fingernails labelled "...clippings left hand..."

RESULTS:

DNA was isolated from the right hand fingernail clippings and from the left hand fingernail clippings. DNA from these items and DNA previously extracted from the thread labelled metal piece on third stair was amplified using the PCR and typed for the short tandem repeat (STR) loci HUMCSF1PO, HUMTPOX and HUMTH01 and for gender (X,Y) using the GenePrint™ STR Multiplex System and the GenePrint™ Sex Determination System (Amelogenin), respectively<sup>1</sup>. The types detected for these samples and the types reported for the blood swatch labelled Janet Downing and the blood swatch labelled Edward

Report for F961430

July 25, 1997

Page Two

O'Brien in the Report of Laboratory Examination dated November 27, 1996, are listed below:

**TYPES DETECTED**

<u>Sample</u>	<u>CSF1PO</u>	<u>TPOX</u>	<u>TH01</u>	<u>X.Y</u>
third stair	11,12	8,9,11,12	8,9.3'	XY
right hand nails	11,12	8,9,11*	8,9.3*	XY
left hand nails	11,12*	8,9,11*	8,9.3*	XY
Janet Downing	11,12	8,11	8,9.3	X
Edward O'Brien	11,12	8,9	6,9.3	XY

In addition to the types listed, faint results were obtained. These results may be due to the presence of DNA from more than one individual or to technical artifacts.

The results, listed in bold print are darker than the other results observed at that locus.

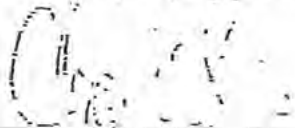
CONCLUSIONS:

The data indicate that DNA from more than one individual was obtained from the thread labelled metal piece on third stair, from the right hand fingernail clippings and from the left hand fingernail clippings. The primary source of the DNA obtained from the thread labelled metal piece on third stair, from the right hand fingernail clippings and from the left hand fingernail clippings is female; a secondary source is male. Janet Downing cannot be excluded as the primary source of the DNA obtained from the thread labelled metal piece on third stair, from the right hand fingernail clippings and from the left hand fingernail clippings. Edward O'Brien is excluded as the primary source of the DNA obtained from the thread labelled metal piece on third stair, from the right hand fingernail clippings and from the left hand fingernail clippings. No further conclusion can be made regarding the secondary source of the DNA obtained from the thread labelled metal piece third stair.

Report for F961430  
July 25, 1997  
Page Three

Using Recommendation 4.1 from the 1996 National Research Council<sup>2</sup> report, the approximate frequencies in the Caucasian, African American and Hispanic populations of the CSF1PO, TPOX and TH01 types obtained from the thread labelled metal piece on third stair and the blood swatch labelled Janet Downing are as follows:

<u>Population data base</u>	<u>Frequency</u>
Caucasian	1 in 320
African American	1 in 1,500
Hispanic	1 in 460



Charlotte J. Word, Ph.D.  
Deputy Laboratory Director



Melisa A. Weber  
Senior Molecular Biologist

<sup>1</sup> This test is performed pursuant to licensing arrangements with Roche Molecular Systems, Inc. and the Perkin Elmer Corporation.

<sup>2</sup> The National Research Council on DNA Forensic Science (1996) The Evaluation of Forensic DNA Evidence. National Academy Press, Washington, D.C. (see p. 122, using  $\theta=0.03$ )

## 1 CLOSING ARGUMENT BY MR. REILLY

2 Well, the suggestion is --  
3 wait a minute. There's an extra twelve  
4 there's an extra twelve on the DNA cap, on  
5 the DNA testing on that metal hilt.

6 There's a third person at  
7 the scene. Who is it?

8 Everyone agrees in this case  
9 that testified, there's only two people  
10 bleeding in that house. And it's Janet  
11 Downing and Edward O'Brien.

12 But it's number twelve. It  
13 can't be him. Well, check the chart. And  
14 you check that one, right over there, that  
15 the defense looked at. Check out the  
16 CSF1PO. Edward O'Brien 11 and 12. Eleven  
17 and-12.

18 TPOX 89, Edward O'Brien, 8  
19 and 9. DHO1. A six and a nine point  
20 three. An eight and a nine point three.

21 And you can check out the  
22 other chart and the results.

23 Primary Source: Janet  
24 Downing. Secondary Source: Inconclusive.







The Commonwealth of Massachusetts  
Department of State Police

WILLIAM F WELD  
GOVERNOR

KATHLEEN M. O'TOOLE  
SECRETARY

COLONEL CHARLES F. HENDERSON  
SUPERINTENDENT

August 2, 1995  
Cambridge, Massachusetts  
95-110-0900-0174

TO: PEHR B. HOLMES, DETECTIVE CAPTAIN  
BUREAU OF INVESTIGATIVE SERVICES  
MASSACHUSETTS STATE POLICE

FROM: DAVID H. OTTE, TROOPER  
MIDDLESEX DISTRICT ATTORNEY'S OFFICE  
MASSACHUSETTS STATE POLICE

SUBJECT: HOMICIDE OF JANET DOWNING

1. On 7/24/95 at approximately 1100 hours this officer spoke with a resident of 36 Hamlet Street, Ann Lee. She stated that she was home on the night of 7/23/95 from approximately 8:30 PM onward. She didn't hear anything outside the house until police and ambulances went to 71 Boston Street. Her son David was home too.

2. On 7/24/95 at approximately 1140 hours this officer spoke with David Lee, DOB: 7/25/67. He stated that he also got home to 36 Hamlet Street at approximately 8:30 PM and was watching TV. He was in the bathroom with the window open around 9:30-9:45 PM and heard voices in the street. He thought it two males saying some thing like - What are you doing here, get the hell out of here. He also thought he heard one person running.

Respectfully submitted,

David H. Otte  
Trooper  
Massachusetts State Police

dho/lc  
950174-21

BUREAU OF INVESTIGATIVE SERVICE  
MASS. STATE POLICE  
Year/District/Case

Serial # 95-110-0900-0174

\_\_\_\_\_  
Captain  
Supervisor

Discovery Nov 18, 1995

transfer hearings have boiled down to a battle of the experts.

Discovery

Rebuttable Presumption  
who goes first?

we should  
have our act  
together - - or  
these cases

disqualified automatic  
preference of evidence



non-disqualified (not automatic)  
clear + convincing

... have to move ... the case ...  
... days ... file motion for transfer

Two categories

Dangerous

Not Amenable

95%  
5%

time not successful  
success rate

Transfer ... = transferred successful.

rule 208

... if [unclear] ... should hold a  
transfer hearing

court can order a transfer at any time!

There's no way...  
Basic philosophical differences:

clear and convincing Evidence

DYS system ends @ 18 ... don't ever follow  
back for that argument ... can hold until  
21 ... not going to happen.

Rebuttable presumption!

... all that - need to overcome it  
... a piece of paper / opinion that it's not  
... reasonable

... not good training!  
Guy like Ryle - query advice -  
w/o legal basis -

... are not entitled to a  
evaluation - also to only evaluation -  
a court order that says

It would be nice to know -

... that's not our job!

\* / find that a block of out  
of proportion

... should be  
has been

... fairly /

... make sure it  
journalize it  
and protected

Correct  
it

\* \*  
witnessed or been exposed to domestic violence

critical to know the DYS system

Programmer have been out in sexual offender program.

Need to know the in depth - need to know exactly what they are and what not.

Effectiveness of rehabilitation

hardest

the - also to focus on a prosecutor - the hardest

mental illness

yet: a cardiac hasn't seen one

Dangerousness

impulsive act or planned act  
opportunities to get away  
only time they have done it --  
now the or progression escalation

amenable to rehabilitation

→ treatment looks up conditions are  
not of consequence to rehabilitation

causality  
the court get at fact : - ques  
about it hypothetically

sexually motivated killing  
- level 1 or planned

document this was planned!

immaturity gives more options in  
treatment - maturity work up to lead

look up  
as to day he walked  
basically to some cow

family history  
been abused - have they  
infantile -- have they

Collection 5 - Loose Records. Miscellaneous > "19. HW Notes - Kinschell - 9.18.95 0001"  
(page 3)

Transcription:

Need

Is there more info

- |                         |   |                          |
|-------------------------|---|--------------------------|
| (1) <u>Weapon</u>       | } | With information         |
| (2) <u>Pornography</u>  |   | - what more can we learn |
| (3) <u>Relationship</u> |   |                          |

✓ Reverse profile it ... working back.

Eddie's Notes:

**DA REILLY ISSUE**

- These notes show DA Reilly's version/motivation that whatever he believed, he would make it work to fit the profile.
- Working back from an idea to confirm his theory was very important to him.
- "Need" – he had to do things to make his theories work.
- Find anything to fit the profile he created.
- DA Reilly made Paul and Ryan Downing say things in their testimonies to make things fit.

proposed level  
the penetration - that can be very difficult  
- particularly of family

amenable to rehabilitation w/ -  
the means of the juvenile justice  
system

Need

is there some ...

- ① weakness
- ② jurisdiction
- ③ relationships

} information -  
what we can  
or we learn

✓ reverse profile of ...

working back

Weakness

is there of nothing wrong wheel  
- fox

if there is something  
wrong - is what does  
offer - likely to be the back

ment - from all territory  
drug, alcohol, psychoses

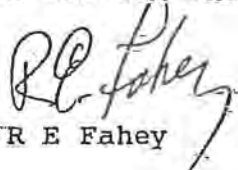


Interview with  
Michelle Cameron cont'd.

Michelle and I went to her car and she gave me Paul's book bag and his sneakers that he left. He took his T-shirt with him.

Late that afternoon, she brought to the station Paul's T-shirt that she found in her car.

On 7/25/95 at 2:35 P.M., I spoke to Michelle at her work-- Bradlees, Somerville Ave., Somerville about Ed's T-shirt. She said it was white and on inside out. She knew it was a rim because she could see the writing. Above was the color orange, the was the color red and rim was blue. All she did see was the "R" of the rim.

  
Sergt R E Fahey

1  
-RE 3

Somerville Police Detective Report Regarding J.P. 95025609  
Murder of Janet Downing  
JULY 23, 1995

Interview with  
Michelle Cameron

[REDACTED]  
At her home-  
7/24/95 1:30-P.M.  
Present Mother and Brother Joseph

On 7/23/95-at about 7:30 P.M., while driving on Revere Beach Pkwy with my girlfriend Raquel Vegar, 34 Ibbetson St., Somerville, I saw Jeannie and Paul. We stopped and talked for a while and we decided to take her car home and come back. They were to follow me to her house. I got to Jeannie's house about 8:15 P.M. and her brother Ed, wearing a white, above the rim T-shirt inside out and blue shorts (Blue Jeans) came out and said Jeannie was not home. I told him she was coming.

As Jeannie pulled up, Ed, his father, and another young person with 2 children were there. Paul was talking to young Ed and I asked him if he was coming with us. He said "yes, I will be right back." He crossed the street toward his house. In about 5 or 10 minutes he came back and he was carrying his book bag.

At about 8:30 P.M. we left and drove to Revere Beach. Jeannie and Paul were in the back seat and I didn't hear what they were talking about. We arrived at the Beach about 9 or 9:30 P.M. We ate a McDonald's then went in the water. I met a friend of mine by the name of John. I don't know his last name. We all talked and at about 10:45 P.M. I called my mother on my cell phone. We left the beach and arrived at Jeannie's house at 11:15 P.M.; according to the clock in my car. There were Police and other people there. Paul got out of the car and a woman said go to your father. I saw Ed's father and asked him what happened and he said "you don't want to know," but did tell me. I left and drove to my house and then drove Raquel home with my mother and brother. After Paul came back from the hospital, he came to my house and while outside he said "Ma I wish you would come back so I could hold you in my arms." He was saying that to some woman.

Joseph Cameron then said he and Paul's step-mother took him to the hospital and while driving there he didn't say anything, but at the hospital he said, "Ma I'm sorry for fighting with you." Then he said, "I don't think I locked the front door."

Item #4

Collection 6 - Transfer hearing Volume 1 > "12. Copies of Witness Statements - 10.13.95  
(Pages 6-8)

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*First page of handwritten statement*

(Vertical signatures in left column of paper)

My name is Regina Gifford [Reckly?]. My date of birth is 12/26/53. I live at 73 Boston Street. I have lived here with my husband and children for the past 5 years.

On Sunday, July 23, 1995, I was home with my husband and 1 ½ year old granddaughter all day. At about 6 PM my daughter Christina Flint and her husband [P?] Flint came to have dinner and pick up their daughter.

Around 7-7:30PM we had dinner after which we went out in the back yard to put the baby in the wading pool. This was about 7:45PM. At about 8:15 pm, we came back into the house to change the baby.

My daughter and I had the baby in the dining room when we heard a [sound?] of banging noises that sounded as though someone had thrown something...

*Second page of handwritten statement*

(Vertical signatures in left column of paper)

...down the stairs next door in Janet Downing's apartment. This was about 8:20PM.

My daughter and her family left my home at 9PM. A short time later Ed O'Brien ran in front of the house yelling "Barry, come quick!" Barry and I both ran out the front door and followed Ed into Janet Downing's house.

As I entered the house, I took four or five steps into the front hall where straight in front of me the bathroom sink was overflowing with water. I looked to my right, into the dining room and saw Janet Downing on the dining room floor, face up, with her feet closest to me. I started to step back and felt something beneath my foot. I looked down and noticed two picture frames directly behind my feet.

My husband turned around, placed his hands on my shoulders and said...

*Third page of handwritten statement*

..."get out of here, get him out of here!"

I turned and saw Ryan Downing in the entryway. I grabbed Ryan and pushed him out the front door to the brick stairs. We removed his roller blades after which we stood at the end of the walkway until the Somerville Police Officer arrived. I directed the officer to the house after which I moved Ryan to the driveway.

I have personally handwritten this statement at the request of Scott Keller who has identified himself as a Private Investigator. I have not been threatened nor promised any rewards. This statement is the truth to the best of my knowledge.

(Signature of Virginia Gifford [Reckly?])

August 17, 1995

(Signature of Scott A. Keller)

"Get out of here, get him out of here."

I turned and saw Ryan working in the entryway. I grabbed Ryan and pushed him out the front door to the brick stairs. Bill removed his roll blades after which we stood at the end of the walkway until the Somerville Police Officer arrived. I directed the officer to the house after which I moved Ryan to the driveway.

I have personally handwritten this statement at the request of Scott Keller who has identified himself as a Private Investigator. I have not been threatened nor promised any rewards. This statement is the truth to the best of my knowledge.

Virginia Jeffrey Rockley  
August 17, 1995

Scott A. Keller

down the stairs, and down in front driveway. This was about 8:30 pm

My daughter and her family left my home at 9 pm. A short time later Ed O'Brien ran in front of the house yelling "Barry, come quick" Barry and I both ran out the front door and followed Ed into front driveway house.

As I entered the house, I took four or five steps into the front hall where straight in front of me the bathroom sink was overflowing with water. I looked to my right, into the living room and saw Janet kneeling on the living room floor, face up, with her feet closest to me. I started to step back and felt something beneath my foot. I looked down and noticed two picture frames. I quickly turned my feet.

My husband turned around placed his hands on my shoulders and said.

2.1.96  
No other Kelly

My name is Virginia Gifford  
Reckly. My date of birth is 12/26/53.  
I live at 73 Boston Street. I have  
lived here with my husband and  
children for the past 5 years.

On Sunday July 23, 1995 I was  
home with my husband and  
1 1/2 year old granddaughter all  
day. At about 6 pm my daughter  
Christina Ficht and her husband  
Paxos Ficht came to have  
dinner and pick up their daughter

Around 7 - 7:30 pm we had dinner  
after which we went out in the  
back yard to put the baby in  
the wadding pool. This was about  
7:45 pm. At about 8:15 pm we  
came back into the house to  
change the baby.

My daughter and I had the  
baby in the living room when  
we heard a series of banging  
noises that sounded as though  
someone had thrown something

Handwritten notes on the left margin:  
- Reckly, Virginia  
- 7/23/95  
- 7:45 pm  
- 8:15 pm

Item #3

Collection 6 - Transfer hearing Volume I > "12. Copies of Witness Statements - 10.13.95  
(Pages 4-5)

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*First page of handwritten statement*

(Vertical signatures in left column of paper)

8-21-95

My name is Chrisina M Flint and I live at 95 Nichols St Apartment #8 in Everett MA.

On July 23, 1995, I worked the 9:00 AM - 5:00 PM shift at Walgreens in Somerville. After work I went to Stop & Shop in Malden and bought a birthday cake for my father, Barry [Reckly?]. I then drove to my house in Everett and picked up my husband. We then went to my parents house at 73 Boston St. in Somerville. We arrived about 6:00 PM and talked with my parents for about one hour. My parents had been babysitting my daughter while I was at work.

Close to 7:00 PM we all sat down and ate supper. At 7:30 PM we all went outside so my daughter could swim in the little pool. We stayed outside until 8:00 PM and then went back inside. At 8:15 PM, I remember looking at the clock and then going into my mothers dining room and changing my daughter's diaper/ While doing this, I...

*Second page of handwritten statement*

8-21-95

...remember hearing about three to four loud thumps that sounded like they had come from the stairs of Janet Downing's house. After this we sang happy birthday to my father which was at 8:30 PM. I know it was 8:30 PM, because I was getting very tired and wanted to go home to bed. We then went home at 9:00 [PM].

The following day, I got a telephone call from my mother telling me that Janet had been murdered. It was at this time that I just started recounting the evening of July 23 1995.

I have made this two page statement to Scott A. Keller who has identified himself as a private investigator. I have not been threatened or promised any rewards and it is the truth to the best of my knowledge.

(Signatures of Christina Flint and Scott Keller)

8-21-95

remember hearing about three to four loud thumps that sounded like they had come from the stairs of Janet Downings house. After this, we sang happy birthday to my father, which was at 8:30pm. I know it was 8:30pm, because I was getting very tired and wanted to go home to bed. We then went home at 9:00.

The following day, I got a telephone call from my mother telling us that Janet had been murdered. It was at this time that I first started recounting the evening of July 23, 1995.

I have made this two page statement to Scott A. Keller who has identified himself as a private investigator. I have not been threatened or promised any rewards, and it is the truth to the best of my knowledge.

Christina P. Keller  
Scott A. Keller



8-21-95

My name is Christina M Flint and I live at 95 Nichols St Apartment #8 in Everett MA.

On July 23, 1995, I worked the 9:00 AM - 5:00 PM shift at Walgreens in Somerville. After work I went to Stop Shop in Malden and bought a birthday cake for my father, Barry Reckley. I then drove to my house in Everett and picked up my husband. We then went to my parents house at 73 Boston St in Somerville. We arrived about 6:00 PM and talked with my parents for about one hour. My parents had been babysitting my daughter while I was at work.

Close to 7:00 PM we all sat down and ate supper. At 7:30 PM, we all went outside so my daughter could swim in the little pool. We stayed outside until 8:00 PM and then went back inside. At 8:15 PM, I remember looking at the clock and then going into my mother's dining room and changing my daughter's diapers. While doing this, I

Christina M Flint  
Somerville

August 17 1995

My name is John Roberts  
and I live at 76 Boston St in Somerville  
MA. My D.O.B. is 6-9-66

On Sunday July 23 1995, I  
had dropped my baby-sitter off at her house  
and returned home at 8:15pm. I then  
went next door to my neighbor's house,  
the O'Briens. Ed O'Brien, Young Ed, Mary  
and myself and two children were all  
sitting on the O'Briens front porch.

Shortly after arriving at the O'Briens,  
I saw Paul Downing walking in front  
of his house. Ed O'Brien, the father, said  
hello to Paul and Paul waved back  
with a very peculiar look on his  
face.

At 8:45pm, I looked at my  
watch and decided it was time to  
return home. So, Young Ed helped  
me by carrying my son Timothy  
to our house. I did not see  
what direction he went after this  
but I am sure that the time was  
just after 8:45pm.

I have made this statement to both Keiter  
who has identified himself as a private investigator.  
I have not been threatened or promised any rewards  
and will be true to the best of my knowledge.

John Roberts

*Ralph Frederick Champa*

*Attorney - at - Law*

*43 Thorndike Street*

*Bulfinch Square*

*Cambridge, MA 02141*

*(617) 494-0333*

*Fax (617) 494-0433*

October 13, 1995

Thomas F. O'Reilly  
Office of the District Attorney  
40 Thorndike Street  
Cambridge, MA. 02141

RE: Comm v Edward S. O'Brien

Dear Thomas:

Enclosed please find copies of witness statements in re the above matter.

Very truly yours,



RALPH F. CHAMPA

RFC/ck  
enc

Item #1

Collection 5 - Loose Records, Miscellaneous > "52. HW Notes - Crime Analysis\_0001"  
(Page 10)

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Crime Scene

Stairway is initial attack probably  
And blood/hair/splatter/hilt of knife  
Not where body was found.

(2)

~~not~~ rings / unclear - -

② crime scene

.. probably / asked / on  
couch .. dk - - cigarette  
.. first encounter -

Got up / hands in something  
startled here - - moved

other

Crime Scenes

Stairway - .. total collected  
probably  
.. blood / hair / splatter /  
.. hill of knife  
.. Not where body -  
found

Neel Room

.. floor ..  
.. under window ..

.. cleaning up .. - bath  
.. taking time .. - clean up  
.. wash .. bath ..

Item #2

Collection 5 - Loose Records, Miscellaneous > "155. HW Notes - Murder of Janet Downing"

(Page 2)

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5. Crime Scene

- a) asleep couch disturbed
- b) struggle ottoman
- c) stairs .. initial attack and not where body was found
- d) dining room
- e) water running

Collection 5 -  
Loose Records  
Miscellaneous  
"155. HW Notes  
Murder of Janet  
Downing"  
(Page 2)

\* Misconception - Mental Illness

\* In fact - doing well - significant <sup>weak/valued</sup> <sub>with</sub>  
(B) Nature of the wound (Closeness)

... (1) Physical distance

(2) Emotional distance

Easier to kill a stranger far away  
than someone you know.

Normal resistance ... very

high

(C) Stabbing wound (Close)

you could deny ...

indication ...

{ pathology ...

(d) Neck wound  
significance ...

5. Circumference

Do we want to

(1) Control control

resistance

disturbed

(2) struggle struggle

(3) Stain

mental attack, not  
where body was found

(4) Drugs Drugs

(5) water Drugs

Collection 5 - Loose Records, Miscellaneous  
133. HW Notes - Evidence - Crime Scene Analysis (page 12)

Crime Scene

Two separate areas the attacker with a blood trail

A: Stair B: Location  
No indication of being dragged  
She [?] moving

Diana Switel [EMS?]  
She took off bra

Cut off bra longitudinal  
[cut off] shirt vertically



Crime Scene

Two separate areas of  
attache w/ a blood trail

(A)  
Stain

(B)  
Location



no indication  
of being dragged  
the moving

Distance Sw. to  
the trace of a

cut in hair - horizontal  
cut - vertical