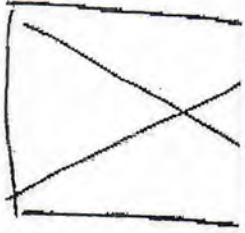


Eddie's former attorney, Maria Curtatone, received a phone call from an unidentified male stating that a juror, (Mike M., Juror #6-6), from Eddie's trial jury is a friend of and works with Paul Downing Sr.

Paul Downing Sr.'s name was read off at the jury impanelment as one of the names for potential jurors to notify the judge if they happen to know or are related to any one of them.

Mike M., Juror #6-6, didn't notify the judge that he was friends with and worked with Paul Downing Sr.

2-15  
Edward Brundin  
(high school) -  
70 yrs old  
married w/ 11  
kids (91-99 yrs)  
son a watchman  
officer



2-10  
Fred King, teacher  
for 40 yrs - 60 yrs old -  
51 yrs old - has  
3 kids (1948-58)  
2 of which are  
married & have  
children of their  
own - high school  
education

2-8  
76 yr old married  
teacher from  
Tennessee -  
worked for  
10 yrs in  
high school -  
high school  
education

6-16  
71 yr old married  
father of 10  
children -  
former  
teacher -  
high school  
education

Michael  
6-6  
Everett 56 yr old  
divorced pastor  
of a high  
school education  
w/ 2 kids

6-2  
53 yr old divorced  
mother of 3 (1933-37)  
from 1948 - 1951  
a private secretary  
for 10 yrs

2-7  
25 yr old  
5 working in  
college -  
student  
Dept. of Pub.  
Health

3-7  
54 yr old  
Hospitals  
Hospitals -  
wife of a nurse -  
high school education  
(in law - hosp)

1-5  
Tynesboro purchase  
agent - 35 yr old  
married w/ one  
kid (2 yr old) -  
wife a nurse -  
high school

6-13  
50 yr old  
married woman  
of 22 (24/19)  
husband a truck  
driver -  
high school  
education

5-7  
52 yr old  
Marathon  
mother of  
2 kids (29, 27)  
high school  
education

4-13  
68 yr old  
Tombury  
mother of  
one - former  
Hickory  
mom - 12th grade

4-8  
43 yr old  
divorced  
insurance  
broker -  
high school  
education

4-6  
25 yr old single  
tax agent w/  
B.S. in business  
administration

3-14  
44 yr old  
divorced  
married  
engineer -  
high school  
education

Edward S. O'Brien Case  
November 30, 1999  
Page Four

4:45 P.M. - The Investigator telephoned and spoke with Attorney Maria C. Curtatone, who stated that, after the conclusion of the Edward O'Brien Trial, and on the Monday following the television program "20/20" - which examined the Trial and Verdict - she had received a telephone call from an unidentified male.

The male told her that, "Mike M. , who was interviewed on "20/20", is a friend to and works with Paul Downing, Sr., the ex-husband of the Victim, Janet Downing."

The unidentified male further stated that, he was "afraid to come forward." He said that he frequently sees Mike M. and Paul Downing, Sr. together, in "the office". He added that his child attends the same school as one of the O'Brien children, Saint Clemens. He said that his has always wanted to give this information to Patricia O'Brien, but he has been too afraid to come forward.

The same male told Attorney Curtatone that Paul Downing, Sr., had on several occasions said that he was still in love with Janet Downing.

## JURY IMPANELMENT

1  
2 with evidence to prove the allegations of  
3 this indictment to your satisfaction; that  
4 is, a jury's satisfaction -- beyond a  
5 reasonable doubt.

6 This presumption of the  
7 Defendant's innocence stays with him until  
8 such time as the government can overcome  
9 that presumption of innocence by evidence  
10 that establishes guilt beyond a reasonable  
11 doubt.

12 Now, is there anybody here  
13 who does not understand either of those  
14 legal principles, or who does not agree  
15 with either of those legal principles?

16 (No Venire Response.)

17 All right.

18 I see no further response to  
19 that question.

20 I have a list of witnesses  
21 here I am going to call your attention to.

22 I am going to call to your  
23 attention the names of a number of people.

24 I mean, there are about 130 names I am

## JURY IMPANELMENT

1  
2 going to call to your attention --  
3 something in that area. I want you to  
4 listen closely to these names; because the  
5 reason for it is to determine whether or  
6 not any of you know any of these people or  
7 may, in any way, be related to any of these  
8 people.

9 You may hear from these  
10 people:

11 Captain Robert Bradley, of  
12 the Somerville Police Department.

13 Lt. Francis Kelly, of the  
14 Somerville Police Department.

15 In fact, these following  
16 names will be all Somerville Police  
17 Department personnel.

18 Captain Robert Bradley.

19 Lt. Francis Kelley.

20 Lt. John O'Connor.

21 Sgt. Robert Fahey.

22 Sgt. Charles Femino.

23 F-e-m-i-n-o.

24 Sgt. James Stanford.

## JURY IMPANELMENT

1  
2 Detective Daniel Ryan.

3 Officer Joseph Blair.

4 Officer Steven Johnson.

5 Officer Michael Brown.

6 Officer Robert Vozella.

7 You may hear from the  
8 following Massachusetts State Police  
9 Officers:

10 Lt. Brian O'Hara.

11 Sergeant Martin Conley.

12 Sergeant David Otte.

13 O-t-t-e.

14 Sergeant Thomas Sullivan.

15 Sergeant Gregory Foley.

16 Trooper Joseph Duggan.

17 Trooper Richard Mahoney.

18 Trooper Thomas Joyce.

19 Trooper Wayne Riley.

20 Trooper Mary Ritchie.

21 Trooper Laurie Bender.

22 Trooper Armand Oulette.

23 O-u-l-e-t-t-e.

24 You may hear from these

## JURY IMPANELMENT

1  
2 people, also associated with the  
3 Massachusetts State Police:

4 Robert Pino, a Lieutenant  
5 with the Massachusetts State Police.

6 Jane McLaughlin, a Chemist  
7 with the Massachusetts State Police.

8 Mary McGilvray, a Chemist  
9 with the Massachusetts State Police.

10 Doctor Leonard Atkins,  
11 Office of the Chief Medical Examiner.

12 You may hear from a nurse by  
13 the name of Diane Roberto, of the  
14 Somerville Hospital.

15 A Doctor Anthony White, from  
16 Somerville Hospital.

17 You may hear from Mark  
18 Aubuchon, who is employed by Cataldo  
19 Ambulance.

20 You may hear from Richard  
21 Callahan, Peabody Police Department.

22 Julie Purcell,  
23 Place, New Haven, Connecticut.

24 Also, these following

## JURY IMPANELMENT

Cataldo Ambulance personnel:

James McLaughlin.

Donald Avery.

David Ducette.

You may hear from the following people, as well:

Edward O'Brien, Senior;  
Boston Street, Somerville.

Jeannie O'Brien; of the same address.

John Fitzpatrick,  
Street, of Somerville.

Joseph Dion,  
Avenue, Somerville.

Seth Dion,  
Somerville.

Kerrian Downing,  
Street, Lynn.

Frank Golden,  
Billerica.

Christopher Ford,  
Avenue, Somerville.

Ryan Downing and Paul



## JURY IMPANELMENT

Downing, both of Wilmington.

Christine Belcher; Eric  
McConnell and Jennifer Carroll, all of  
Street, Medford.

Carol Ortiz,  
Street, Malden.

María Solimene,  
S-o-l-i-m-e-n-e,  
Arlington.

Marco Abreu, A-b-r-e-u, of  
Avenue, Somerville.

Michelle Cameron,  
Street, Somerville.

Raquel Vega,  
Street, Somerville.

Walter Golden, employed with  
the Mid-Nite Variety Convenience Store, in  
Union Square, Somerville.

Jack Arnold,  
Chelmsford.

Paul Downing, Senior;  
Wilmington.

Thomas Feeley, Blueberry

## 1 VOIR DIRE EXAMINATION BY THE COURT

2 father just passed away. And he led the  
3 funeral procession.

4 Q So, he's very close to you?

5 A Yes.

6 THE COURT: All right.

7 You are excused.

8  
9 COURT OFFICER: Juror 6-6.

10  
11 VOIR DIRE EXAMINATION BY THE COURT

12 Q All right, sir.

13 You raised your hand to what question or  
14 questions?

15 A Having contact what the District Attorney's  
16 Office.

17 Q All right.

18 What did you do?

19 You had contact with the DA's Office?

20 A Uhm, well, I was prosecuted for, ah, a DUI.

21 Q Okay.

22 I see it here. 1995?

23 A Yeah.

24 Q In this county?

## 1 VOIR DIRE EXAMINATION BY THE COURT

2 A Yes.

3 Q Okay.

4 Were you convicted?

5 A Yes.

6 Q As a result of that, does that somewhat  
7 affect your ability to be fair and  
8 impartial in this case for either the  
9 Defendant or the District Attorney?

10 A Not at all.

11 Q So, you don't hold any animus --

12 A No.

13 Q -- against the government because of your  
14 conviction?

15 A No.

16 Q The answer is no?

17 A No.

18 Q Okay.

19 Is there anything else you raised your hand  
20 to?

21 A No.

22 Q All right.

23 Let me ask you these additional questions.

24 Have you had any exposure, of any kind, to

## 1 VOIR DIRE EXAMINATION BY THE COURT

2 the news media, TV, radio or newspapers?

3 A Some.

4 Q Keep your voice up, please.

5 And when is the first time you remember any  
6 exposure of that kind?

7 A Ah, when it happened, I saw it on the news.

8 Q Have you seen anything or heard anything  
9 about it in the news media since that time?

10 A Uhm, the only thing that I remember was  
11 they were trying to get the case ah, from  
12 juvenile to the regular court.

13 Q Okay.

14 So you recall something about that?

15 A Yes.

16 That they were trying to do that.

17 Q Okay.

18 Anything else you remember?

19 A No.

20 Q Have you heard about it recently?

21 A No.

22 Q Okay.

23 Well, whatever it was you were exposed to,  
24 as you related to us, is that going to, in

## 1 VOIR DIRE EXAMINATION BY THE COURT

2 any way, affect your ability to be fair and  
3 impartial trying this case?

4 A No.

5 Q Let me further ask you these questions. At  
6 the time of the alleged incident in this  
7 case, the Defendant was 15 years old.  
8 He is now 17 years old and being tried in  
9 this court as an adult.

10 Do those facts, in any way, affect your  
11 ability to be a fair and impartial juror in  
12 this case?

13 A No.

14 Q Does the fact that the District Attorney,  
15 Thomas Reilly himself, is handling this  
16 case and prosecuting this case, in any way,  
17 affect your ability to be fair and  
18 impartial in this case?

19 A No.

20 Q And finally: Do you have any bias or  
21 prejudice toward the investigation  
22 procedures of law enforcement officials,  
23 including the collection and analysis of  
24 evidence, that would, in any way, affect

## 1 VOIR DIRE EXAMINATION BY THE COURT

2 your ability to a fair and impartial juror  
3 in this case?

4 A No.

5 THE COURT: I find he stands  
6 indifferent.

7 MR. REILLY: Commonwealth is  
8 content with this juror.

9 MR. GEORGE: May I have a  
10 moment, your Honor?

11 THE COURT: Yes.

12 MR. GEORGE: The Defendant  
13 is content, your Honor.

14 THE CLERK: All right.

15 Juror number three.

16  
17 COURT OFFICER: 6-7.  
18

## 19 VOIR DIRE EXAMINATION BY THE COURT

20 Q All right, sir.

21 You raised your hand to what question or  
22 questions?

23 A Oh, bias about the case.

24 Q All right.