

Paul Downing used one of his jokes
and tried to say Eddie told him that
he was watching someone undress.
The video explains where Paul came up
with the lie and the documents shows Paul
was caught lying on the stand.

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1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 sitting when Edward O'Brien was talking to
3 you about why your mother is sitting in the
4 driveway --

5 A Yeah.

6 Q And sitting in her car like that?

7 A Yes.

8 Q Now, you say that he asked you about that
9 quite some bit; isn't that so?

10 A Yeah.

11 Q And that was over the course of 1995?

12 A '94 and '95.

13 Q He would ask you about that, you said,
14 almost every Sunday?

15 A Yeah.

16 Q And why is Sunday locked in your mind as
17 the day of the week that he was asking you
18 about it?

19 A Because that was the day I would go -- I'd
20 come over to Jeannie and get her for -- we
21 had CCD classes in the morning. And he'd
22 usually answer the door.

23 Q And that's when he would say that to you?

24 Or that's --

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 A Yeah.

3 Q -- the time he would say it?

4 A Yeah.

5 Q And CCD, was, and is, Catholic Education?

6 A Yeah.

7 Q And that would be about 9:00 in the
8 morning?

9 A Yeah.

10 Q Or, in the morning?

11 A Yeah. About 10:00.

12 Q Well, you know that Eddie O'Brien worked at
13 the Midnite Variety Store from 7:00 to
14 noon, almost every day; don't you?

15 A No. He didn't work on --

16 Q On Sunday, with the Sunday papers?

17 A No. He'd get off early.

18 The papers had to be done by, I think, like
19 7:00 o'clock in the morning.

20 I would come over Jeannie's house at 9:30.

21 The papers were done, at that time.

22 Q So, it's your testimony that Eddie O'Brien
23 was at that house when you'd come on
24 Sunday, and not at the Midnite Convenience

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 Store doing the Sunday papers?

3 A Yeah.

4 Q Well, do you know John Arnold?

5 A No.

6 Q From the Midnite Convenience Store?

7 A No.

8 Q Do you know Francis Kling?

9 A No.

10 Q Do you know Frank and Walter Golden?

11 A Probably, I saw them, occasionally.

12 Q All from the Midnite Convenience Store?

13 A Yeah.

14 Q Well, if I told you that there has been
15 evidence presented in this case that Eddie
16 O'Brien worked on Sunday mornings sorting
17 the papers at the Midnite Convenience Store
18 from about 7:00 until noon every day, or
19 7:00 to 11:00, does that refresh your
20 memory as to what day of the week you used
21 to see him and he used to say these things
22 to you, constantly?

23 MR. REILLY: Objection.

24 THE COURT: Sustained.

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 The objection is sustained.

3 Q Now, the Sunday before, Mr. Downing, do you
4 remember that you testified that the Sunday
5 before your mother's death you locked in on
6 that day as the day that Eddie O'Brien made
7 some comments to you?

8 A Yes.

9 Q And the comments that he made to you on
10 that day, the Sunday before your mother's
11 death, which would be the 16th of July,
12 1995, did he talk to you about
13 Mrs. Kenney's house that day?

14 A No.

15 Q Is that the day he told you that he saw a
16 woman undressing across the street?

17 A Yes.

18 Q And you remember that day specifically, for
19 what reason?

20 A Because that -- that was like one of the
21 first times I heard -- heard him ever, talk
22 about looking into someone else's window
23 and describing what, you know, what he saw.

24 Q Okay.

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 And he had never done that before, with
3 you?

4 A No.

5 Q And the reason you remember it was that
6 Sunday is because that's the first time, in
7 the entire time you knew him, that he said
8 something like that?

9 A Uhm, that vividly. Yes.

10 Q Okay. And that's why you remember that
11 Sunday?

12 A Yes.

13 Q What time was that?

14 A That was, uhm, in the afternoon.

15 Q Okay.

16 And do you recall today -- and I know it's
17 hard to focus from before -- but do you
18 remember whether it was late afternoon or
19 early afternoon?

20 A Ah, I think it was probably like around
21 3:00 o'clock.

22 Q And where was that said to you?

23 A Ah --

24 Q Where were you two located?

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 A Ah, I was up on his porch.

3 Q Was anyone else there?

4 A No.

5 Q Was anyone else present in the house that
6 day?7 A Uhm, other than Jeannie, yeah. Jeannie was
8 there.9 Q Well, if I told you that Edward O'Brien's
10 grandfather's birthday party was that day,
11 and there were almost 30 or 40 people
12 there, would that refresh your memory?

13 MR. REILLY: Objection.

14 THE COURT: Sustained.

15 Q Did you see any -- did you see Edward
16 O'Brien's grandfather there that day?

17 A No.

18 Q Did you see any guests at a birthday party
19 that day?

20 A Do I remember any guests? No.

21 Q At the O'Brien house, not in the street?

22 A Around that area? No.

23 Q Okay.

24 So, nothing was going on in the house at

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 the time you were there, at about 3:00
3 o'clock that Sunday?

4 A Not that I recall.

5 Q Well, you're certainly not mistaken as to
6 whether anyone else was there besides
7 Jeannie, are you?

8 A Not from there? I can't remember the
9 picture. All I can remember in my mind is
10 sitting out on the porch, and Ed turning
11 around to me and saying that --

12 Q What he said to you?

13 A Yes.

14 Q Okay.

15 Now, is there a tree in front of that
16 porch?

17 A Yes.

18 Q Okay. And recognizing that the jury was on
19 that very front porch, just last week,
20 where is the tree located that's in front
21 of that porch?

22 A It's to the left. Coming from the porch,
23 it's to the left of the house.

24 Q Just to the left of the front, the

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 sidewalk?

3 A Yeah.

4 Q And what kind of tree is that? Is it a big
5 tree or a little tree?

6 A It's a big tree.

7 Q Okay.

8 In July of 1995, were there lots of leaves
9 on that tree?

10 A Yeah.

11 Q And isn't it a fact that that tree is
12 directly in the line of sight between the
13 porch and some of the houses across the
14 street?

15 A Ah, no. No.

16 Not if -- it depends on where you're
17 looking from, though.

18 Q Right.

19 But if you are looking from the bedroom,
20 can you see through that tree from the
21 bedroom?

22 A I believe you can.

23 Q You can?

24 A He said he did.

1 CROSS-EXAMINATION OF PAUL DOWNING BY MR. GEORGE

2 Q And have you been in that bedroom, looking
3 out that window, to make sure you can see?

4 A Yeah.

5 Q And that's where Eddie told you he had seen
6 the woman undressing from; right?

7 A Yeah.

8 Q And he had said -- and other than telling
9 us that it was a black woman, it's the
10 woman who lives in the house next to your
11 mother's house?

12 A Yes.

13 Q Which is directly across the street --
14 well, it's on the other side, isn't it,
15 sir, of the driveway depicted in Exhibit
16 number 85; isn't it?

17 In other words, it's right in this area?

18 It's right over there, isn't it?

19 A Uh, it's past that. There's a tree there
20 and there's some clearing.

21 Q And the tree -- is this the tree you are
22 talking about, Mr. Downing?

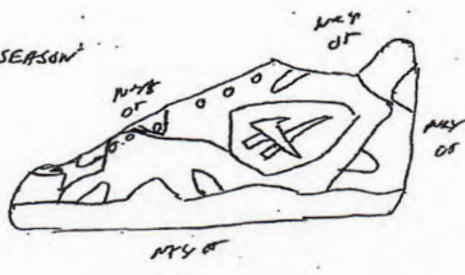
23 A Ah --

24 Q Or is there another tree?

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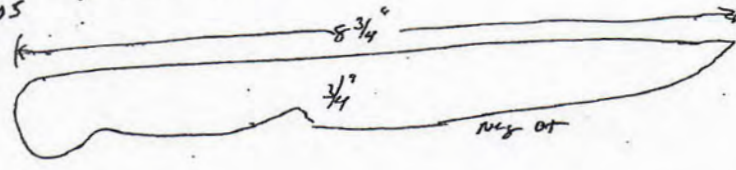
Infant stabbing [redacted]

Black "Reebok" sneakers size 10 1/2 "PRESEASON"
Blk 104

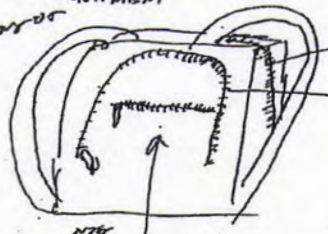


section of metal knife
Ih 105

Found on front of Elderly Apartment building
on 7/27/55 @ 1200 hrs
T pr. OTD, Sycc



incl "TRAIL MASTER" Back pack
Ih 102



news paper page 57, 58, 59 - to Astoria Globe
Thursday July 15, 1955
one Dime
clear wrap
welder buckle plastic bag

NY 05
white fabric
cords
2 pens
3 needles 2 pencils
piece of paper "623-9137"

grey T-shirt "SALBA sports wear" size XL 100% cotton
National Basketball Association



00320

Contents of Paul Downings
Back Pack being documented in
between a Knife