

DA Tom Reilly attempted to use Ryan to show that Eddie was always in his window looking out and that Ryan was walking by the house and Eddie just happened to yell down to Ryan.

In the last document Dr. Barnum, the court ordered evaluator, testified that Ryan told him that he banged the sign out in front of the O'Brien home to get Eddie's attention.

- 1 A Yes.
- 2 Q And were you walking up Boston Street?
- 3 A Yes.
- 4 Q And did you pass the home of Edward O'Brien at 74  
5 Boston Street?
- 6 A Yes.
- 7 Q Did you hear a voice?
- 8 A Yes.
- 9 Q Did you recognize that voice?
- 10 A Yes.
- 11 Q Whose voice was it?
- 12 A It was Ed's.
- 13 Q Could you see him then?
- 14 A No, I couldn't.
- 15 Q And where was he?
- 16 A He was in his room -- in his bedroom.
- 17 Q But you could hear him?
- 18 A Yes.
- 19 Q And did he ask to speak to you?
- 20 A Yeah.
- 21 Q And did you wait until he came down and did you  
22 speak to him?
- 23 A Yeah.
- 24 Q And what did he say to you?

1 A Uhm --

2 Q Speak up.

3 A -- we were just making plans for the next day and  
4 -- and then he asked me -- before I left, he asked  
5 me, he said, that he never seen me angry, ready to  
6 hurt somebody. And I told him that I'm not like  
7 that. I -- I don't get mad very easily. Then, he  
8 said, There's only one time I -- I recall you  
9 being angry, and that was when we were little when  
10 he said something to me, and you chased me. And  
11 he said, But since then he never seen me like hurt  
12 -- really hurt somebody. (Witness' fists are  
13 clenched in front of him.) And I told him that  
14 I'm -- I'm not like that --

15 Q Did he --

16 A -- and that was --

17 Q -- did he ask you if you ever felt like hurting --

18 A Yes.

19 Q -- someone?

20 A Yes.

21 Q Just describe how he said that and what he said?

22 A Yes. He said, did I feel like hurting somebody  
23 (witness clenching his fists)? And I said, I'm  
24 not like that.

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2 went home.

3 So, I stopped by, ah, my -- this little  
4 friend of mine. And I had a -- struck up a  
5 conversation. And, uhm, and I -- and I  
6 left after a while.

7 And I saw my other friend, Garvey. And I  
8 talked to him.

9 And uhm, and then I proceeded to go home.  
10 And my friend --

11 Q What time was this?

12 A This was, I'd say, it was -- it was after  
13 10:00. It was pretty late.

14 And we left Garvey's house.

15 And my friend, Seth, went home. And I  
16 turned up my street. And I went up my  
17 street.

18 And then I saw ah, I heard Ed, from his  
19 window, call down.

20 And ah, I went over to his house. And he  
21 came down from his room. And he came  
22 outside. And we just started talking.

23 Q Okay.

24 That night, when you were going the route

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2 that you have described, were you on foot?

3 A Uhm, that Saturday? Yes. I was on foot.

4 Q And when the -- when you were on your way  
5 home, and you had -- you first heard from  
6 Edward O'Brien, where were you?

7 A I was across the street on, ah --

8 Q From where?

9 A From -- directly across the street. Uhm,  
10 my side of the sidewalk. Where my house  
11 is, on my side?

12 I was walking home. And I heard him, from  
13 his window, he yelled down.

14 And I was like, "Hey, what's up?"

15 And he said: "Wait, right there. I'm  
16 coming down."

17 So, I walked over to his house. And he  
18 came right down.

19 Q Okay.

20 And when he came down, did you have a  
21 conversation with him?

22 A Yes. I did.

23 Q Tell us what you best remember about what  
24 he said and what you said.

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2 A Uhm, we -- we were just talking about, ah,  
3 what to do the next day.

4 And he asked me if I wanted to play  
5 basketball. And, ah, after he gets out of  
6 work.

7 And I said: "Yeah. Sure. I'll do that."

8 And, uhm, then he asked, uhm, he asked me a  
9 question, if I -- if like, I ever -- like I  
10 wanted to hurt somebody?

11 And I said, No. I -- I really didn't.

12 And he said: "Well, I remember one time  
13 you did."

14 Uhm, it was when I was little. And -- and  
15 he made -- he made a comment about  
16 me staying -- me being kept back. And I  
17 chased him around, uhm, a car.

18 And he said: "That was the only time I  
19 really, ah, felt like -- that was the only  
20 really time I ever saw you really want to  
21 hurt somebody like -- a person when they  
22 hurt somebody, like this.

23 And, ah -- then I said: "I'm not like that.  
24 I don't get angry."

A Ryan said that he had come home at about 11:00 o'clock that night. He banged his hand against the sign outside the O'Brien's house which was a signal that he and Edward used to use for him to let him know that he was there. Edward whistled from the window. He came out and they talked on the porch, I think, for a while about their plans for the next day. Edward had to go and work at the store putting the newspapers together, so he wasn't going to be around to get together. Then Edward said something about asking Ryan if he had ever had feelings of being very angry or wanting to hurt someone and it was a little unclear how the topic came up. It was unclear in the conversation with each of them how the topic came up. They both recalled that they then talked about a time when they were a lot younger and Edward had been teasing Ryan about having been kept back in school and Ryan chased him around on the street outside his house, as an example of a time that Ryan had been really angry. Edward's recollection of the conversation was that that was all there was to it. Ryan's account was that, in addition, Edward had said to him something like, "Have you ever felt like you really wanted to hurt someone?" and in saying that, he held up his fists in front of him. Ryan said that he didn't understand what Edward was talking about, but that there wasn't anything about the conversation that particularly struck him

as unusual at the time, since from time to time Edward would say things that he didn't quite understand and he explained that he often had to talk a little bit further with him to try to characterize exactly what he meant because Edward wasn't very articulate about things. He also said that as he - he didn't have any awareness at the time that there was anything that sort of felt odd or unusual about this conversation, although in retrospect, he thought back on it and asked himself whether there was anything sort of particularly noteworthy about it. He said that he wasn't sure whether he also remembered that Edward might have said to him, "Would you feel mad at me if I-", and that was the end of the question, but Ryan said that he wasn't even sure that Edward had said that.

Q In either Edward's - Eddie's or Ryan's description of what supposedly happened that night, did Mrs. Downing's name ever come up in regard to this commentary?

A No.

Q Now, Doctor, yesterday, do you recall talking to me about what Erin Downing and members of the Downing family had told you and Doctor Condie in what you called co-joint interviews?

A Yes.

Q And is a lot of, if not all of that, included in your report in Pages 12 and 13?

A Most of it is included there, although there are other references to information from that interview prior to that section.

Q On Page 14 of your interview section, or at least part of your report, did you also reference your discussions or your interview with Gene Mahoney?

A Yes, I did.

Q Can you tell Judge Gailley what your interview or what your information was from Mrs. Mahoney?

A I spoke with Mrs. Mahoney on a couple of occasions. She told me in general that her sense of Edward and his neighborhood friends was that they were all sweet kids who were not real mainstream kinds of kids, in terms of being particularly remarkable athletes or cheerleader types, in her words, but that she liked them a lot and that she had no complaints about them. She spoke more specifically about her conversations with Mrs. Downing, both in general and specifically on the day that she was killed. She said that Mrs. Downing had shared with her concerns about people having been coming into the house and moving things around. She spoke of a particular book that she had by her bed having gone missing at one point and then her former husband

having given it to her back a few weeks later saying that he'd found it in a parking lot somewhere. She talked about how Mrs. Downing had reported that her brother-in-law, Mr. Ortiz, had sometimes returned to the house and come into it without her specific knowledge or authorization from time to time, after he and his wife had moved out. She talked about the history of his having been selling drugs in the neighborhood.

Q When you say "--his having sold drugs in the neighborhood," who are talking about?

A Mr. Ortiz, her brother-in-law.

Q Okay, please go on.

A She talked about Mrs. Downing's account of having been harassed by a group of taxi cabs at some time in the months prior to the murder and she said that in the conversation that she had with her on the day that she was killed, they were sitting on the porch and talking about, in general, about issues of safety in the community. I think Mrs. Downing's daughter had approached her and wanted permission to be out late, or something like that, and that had led to a conversation about safety and so forth. Out of this conversation, Mrs. Downing said to her - they talked about a recent murder that had gone unsolved, and in which there was some question about how the investigation had gone and