

1 MS. GERTNER: I'll rephrase the question.

2 Q Apart from times and hours, is your, are you certain that
3 you saw Tom Shay Friday night, Saturday night, Sunday night?

4 A Yes.

5 MR. LIBBY: Objection, your Honor.

6 THE COURT: I think he's already answered the
7 question.

8 MS. GERTNER: No further questions.

9 MR. LIBBY: I have nothing, thank you.

10 THE COURT: Thank you, Mr. Critcher. You're
11 excused. Who is next?

12 MS. GERTNER: Mr. Greg Calver.

13 Greg Calver, sworn

14 Direct Examination by Ms. Gertner

15 Q Would you state your name, please?

16 A Gregory Calver.

17 Q And where are you employed, sir?

18 A Store 24.

19 Q And were you employed at the Store 24 on or about the
20 weekend of October 25th, 26th and 27th?

21 A Yes, I was.

22 Q And what's your job in the Store 24?

23 A At the time I was a customer service representative.

24 Q And were you working on the evening Saturday, October
25 26th, in the early morning hours of Sunday, October 27th?

1 A Yes.

2 Q What was your job, sir?

3 A I was a cashier.

4 Q Was that the Store 24?

5 A Yes, for Store 24.

6 THE COURT: What was your shift?

7 THE WITNESS: Midnight to 8 a.m.

8 Q And on Saturday night, October 26th, I guess in your case
9 it would be the 27th, the Sunday morning, did you have
10 occasion to see Tom Shay?

11 A Yes, I did.

12 Q And where did you see him?

13 A In the Store 24.

14 Q And how long was he in the Store 24, if you recall?

15 A Approximately two hours.

16 Q Two hours. So he left at roughly 2 a.m.

17 A He left between 2 and 3 a.m.

18 Q Is it busy in the Store 24 between 2 and 3 a.m.?

19 A Yes, it is.

20 Q And was he, without telling us what, was he in costume at
21 the time?

22 A No, he wasn't.

23 THE COURT: What date was this?

24 THE WITNESS: This would be Sunday morning the 27th.

25 Q For the period of time that Mr. Shay was in the store --

1 strike that.

2 Did he go in and out of the store or did he hang
3 around the store?

4 A As far as I can recall, he was in the store. He could
5 have been outside having a cigarette. He was generally in the
6 area of the door, the newspapers.

7 Q And was he talking to people in the store?

8 A Not that I could tell. He talked to me a little bit
9 about the party he had come from, but as far as anyone else he
10 talked to, I couldn't tell you.

11 MS. GERTNER: I have no further questions.

12 THE COURT: You have a question?

13 MR. LIBBY: Yes, just a few.

14 Cross-examination by Mr. Libby

15 Q Mr. Calver, when Shay, Jr. left, you stayed obviously
16 behind the counter, correct?

17 A Yes.

18 Q Could you see whether, when he left, he left alone or
19 with anyone else?

20 A To the best of my knowledge, he left alone.

21 Q Did you see whether moments after he left the Store 24
22 whether he met up with anyone?

23 A No, I didn't.

24 Q Could you see?

25 A I could see outside the store, but I -- really I wouldn't

1 have watched him as he walked away.

2 MR. LIBBY: Okay. Nothing further, your Honor.

3 MS. GERTNER: I have nothing, your Honor.

4 THE COURT: Thank you, Mr. Calver, you are excused.

5 Who is next?

6 MS. GERTNER: Gary Starkey.

7 Gary Starkey, sworn

8 Direct Examination by Ms. Gertner

9 Q Would you state your name, please?

10 A Gary Starkey.

11 Q And where do you live, Mr. Starkey?

12 A You want my address?

13 Q You can just give the town?

14 A Quincy.

15 Q And where were you living in October --

16 MR. KELLY: Your Honor, I'm have a hard time hearing.

17 THE COURT: Move closer to the microphone, please.

18 Q Your name, please?

19 A Gary Starkey.

20 THE COURT: You need to speak you get even closer.

21 THE WITNESS: Gary Starkey.

22 Q Where are you living now, just the town?

23 A Quincy.

24 Q Did you say Quincy?

25 A Quincy.