

1 MS. GERTNER: Very short, your Honor.

2 THE COURT: Would you come forward, please, and step
3 into the witness box.

4 I've asked the marshal to shoe people away from the
5 door because I notice that it's hard to not notice people in
6 the glass, so we'll try to keep people further away so they
7 won't distract you.

8 You may proceed.

9 Evelyn Pirello, sworn

10 Direct examination by Ms. Gertner

11 Q Would you state your name, please.

12 THE COURT: You need to speak up even though it's
13 your witness.

14 Q Would you state your name, please.

15 A Evelyn Pirello.

16 Q And Ms. Pirello, where do you live?

17 A I live on 47 Prospect Avenue, Roslindale.

18 THE COURT: Ms. Pirello, you can adjust that
19 microphone, both of them work, if you hold the base and push
20 it down so it doesn't hide your face.

21 THE WITNESS: Is that okay?

22 THE COURT: Much better, thank you.

23 Q On directing your attention to October 28th, 1991, at
24 around 11:45, ma'am, did you visit your sister Eleanor
25 McKernan?

1 A Yes.

2 Q And where does Ms. McKernan live?

3 A 36 Eastbourne Street, Roslindale.

4 Q And as you arrived, were you driving or was someone else
5 driving?

6 A I was driving.

7 Q And what kind of a car do you have?

8 A A '89 Chrysler New Yorker.

9 Q And did you make a left or a right turn on to Eastbourne
10 Street, if you recall?

11 A Well, it's a dead end street, so I -- oh, that's awfully
12 loud. What can I do?

13 THE COURT: I can turn it down.

14 THE WITNESS: I have a loud voice.

15 A (Continuing) it's a dead end street on my sister's end,
16 so when I come up the street I always go to the driveway next
17 to her, her neighbor, and then I drive in and back my car out
18 and face down, so when I go home I'm facing out. So that's
19 what I did.

20 Q So you go down Eastbourne Street, I was asking when you
21 go from Beach to Eastbourne, are you making a left turn or a
22 right turn?

23 A Well, I came -- Beach is one way. I came up Beach Street
24 and took a left turn on Eastbourne. They made half of it one
25 way, so it's kind of confusing there.

1 Q As you were driving, you drove past your sister's house?

2 A Yes.

3 Q Okay. And you pulled your car into a driveway so you
4 could back out?

5 A Yes, my sister lives on the left-hand side of
6 Eastbourne. I pulled my car into the next door driveway and
7 backed, and made a turn.

8 Q And while you were backing out, did someone pull up
9 behind you, preventing you from completing your turn?

10 A Yes.

11 Q And did you know who that was?

12 A It was Mr. Shay.

13 Q Thomas Shay, Sr.?

14 A Yes, Mr. Shay, Sr.

15 Q And he had pulled his car up on the right side of
16 Eastbourne and backed it down and parked it just before his
17 driveway's entrance; is that fair to say?

18 A Yes.

19 Q Did you notice any other parked cars around where
20 Mr. Shay's car was?

21 A Well, I really didn't notice because I wasn't
22 interested. I was, you know, only making my turn and getting
23 out.

24 Q Well, because of what he did, you couldn't finish your
25 turn?

1 A Well, he went by me before I finished my turn, and I was
2 a little nettled at that, because you know how women are,
3 under courtesy, I thought he should have waited until I
4 finished my turn. That's the reason I looked at him across
5 the street and knew that he was there.

6 Q Did you say anything to him?

7 A No, I didn't.

8 Q Did you --

9 A I didn't want to embarrass my son, so I didn't say
10 anything.

11 Q Did you give him a dirty look?

12 A I did.

13 THE COURT: How?

14 (Laughter.)

15 THE WITNESS: I snarled a little bit.

16 Q You and your son were both in the car; is that right?

17 A Yes, I was going to say something. He said: Mom, don't
18 say anything. It's probably a serviceman, you know. So I
19 didn't want to say it in front of --

20 Q When you saw Mr. Shay, you saw him leave his car; is that
21 right?

22 A Yes, I seen him get out of his car and walk up his
23 driveway.

24 Q And you saw him holding something, right?

25 A Yes, he had something in his hand, in the right hand is

1 what I've seen. That's why I thought it was a serviceman.

2 Q Could you describe what you saw him holding in his right
3 hand? What were the dimensions of what you saw him holding?

4 A To my fast look, it just looked like sort of a tool box,
5 you know, like a foot long and kind of -- well, it could be,
6 not a tool box, it was just something dark in his hand, you
7 know. I'd say it was about a foot long.

8 Q A foot long, four or five inches, wide and flat?

9 A I don't know exactly. It looked like that to me because
10 I really wasn't interested, but I do know that he had
11 something in his hand and carrying it, you know.

12 Q And was it a dark color?

13 A It was a dark color, yes.

14 Q Do you know specifically what color?

15 A No.

16 Q And --

17 A I was across the street, you know. It wasn't -- I know
18 it wasn't a bright color because I would have noticed that.

19 Q And he had it under his arm, or he was holding it with
20 his hand?

21 A I think he was carrying it like, you know.

22 Q Carrying it in his hand?

23 A No, like, you know, I imagine it had a handle on it, you
24 know, I think. I'm not sure about that.

25 Q Did you see a handle?

1 A No, I couldn't see a handle. But he had something in his
2 right-hand, that's all I know.

3 Q Okay. What did he do with the thing he had in his right
4 hand?

5 A I have no idea.

6 Q After you saw him walk up the driveway, what did he do?
7 Did you see him?

8 A No, I just seen him, from where I was standing and my
9 fast look, I was just going into my sister's, I could only see
10 him, like, halfway up the driveway, not all the way from where
11 I was standing.

12 Q And --

13 A He walked towards the back of his driveway, but I didn't
14 see him go in the house or anything.

15 Q You didn't see him go in his house, you just saw him walk
16 into the driveway; is that right?

17 A Yes, I couldn't see the whole distance of his driveway.

18 Q Did you see him do anything with this box?

19 A Oh, no.

20 MR. KELLY: Objection to the form of the question
21 "box," I don't think she said anything about box, your Honor.

22 THE COURT: Object.

23 Q Object.

24 What kind of car was Mr. Shay, Sr. driving, if you
25 know?

1 A I really am no good with makes of cars. It was a car, an
2 older type, you know. It wasn't a bright color, that's all I
3 know. I don't know if it was an American car, a foreign car,
4 or what.

5 Q When you got inside the house, your sister's house, who
6 else was there?

7 A My sister and my son was with me and her son Tommy Ahern.

8 Q And where did you go after you went in?

9 A I went directly to the kitchen to have coffee.

10 Q And at some point you heard the explosion?

11 A Yes.

12 Q While you were in the kitchen, you heard the explosion?

13 A Yes, we had served coffee. And I think I was in the
14 house maybe no more than 15 minutes when this happened.

15 Q Prior to hearing that explosion did your sister's husband
16 Jim arrive home?

17 A Yes, just before it happened.

18 Q Had you seen him, by the way, when you came down
19 Eastbourne Street?

20 A No, no. But as soon as I come in the house, I said:
21 Where's Jim, my brother-in-law. She said he's on his walk.

22 Q By the way, when you were turning down Eastbourne Street,
23 did you notice any other cars?

24 A No. There may have been other cars there, but I didn't
25 notice. I was only concerned with making my turn.

1 Q And the object that you saw in Mr. Shay's hands on
2 October 28th at around 11:45 you, did you talk to your son
3 about that object.

4 A No, no, no.

5 Q Did you tell the police about the object you saw in his
6 hands?

7 A Oh, after the explosion, when they questioned me, yes, I
8 said I had seen something in his hand.

9 Q And what you said was --

10 A But I know it was a box. I mean, it was long and flat,
11 it seemed to me, on my quick look.

12 Q And you told the police what you saw, an object, one foot
13 long, four or five inches wide and flat, dark color, right?

14 A Right. It was a drab color, I don't know what color,
15 because I would notice if it was a bright color.

16 Q Okay.

17 What was Mr. Thomas Shay, Sr.'s demeanor? What did
18 he look like? Was he in a hurry? Was he not -- what did he
19 do?

20 A Just normal, really.

21 MS. GERTNER: No further questions.

22 THE COURT: Mr. Kelly, any questions?

23 MR. KELLY: Yes, your Honor.

24

25

1 my eyes are beautiful.

2 Q Do you wear glasses, ma'am?

3 A I wear them just for reading.

4 Q Driving?

5 A Not really, I don't have but.

6 Q Mrs. Pirello --

7 A I wear sunglasses.

8 Q If you could help me out for a few minutes, what color is
9 the book that I'm holding?

10 MS. GERTNER: I'm going to object, your Honor.

11 THE COURT: In terms of light or dark or medium or
12 what?

13 THE WITNESS: I think it's purple and it's dark
14 purple.

15 MS. GERTNER: Never mind.

16 (Laughter.)

17 Q Can you read the writing on the wall?

18 A It's either purple or blue.

19 Q Are you able to read the writing on the book, Mrs.
20 Pirello?

21 A I can't say.

22 Q Can you read the title of the book?

23 A No, I can't. I think it says some type of an
24 encyclopedia.

25 Q Now, Mrs. Pirello, you were able to describe rough

1 dimensions of something, the approximate color, I think you
2 said dark or drab, are those your words?

3 A Yes.

4 Q You weren't able to describe with precision what the item
5 was, for example, when you were asked about what you saw?

6 A Oh, no.

7 Q You weren't able to tell them precisely what color it was
8 other than dark or drab?

9 A No, I wasn't really interested, you know.

10 Q Mrs. Pirello, I'm holding an object in my hand, is this
11 roughly the color that you remember seeing that day, ma'am?

12 A Very well could be.

13 Q How long would you say this is, Mrs. Pirello?

14 A Well, I'd say it was about a foot.

15 Q How wide would you say it is?

16 A Oh, about four or five inches.

17 Q And does this object have a handle on it, ma'am?

18 A Yes.

19 MR. KELLY: Your Honor, the United States marks
20 Exhibit 52 for identification subject to connection, I have
21 nothing further.

22 MS. GERTNER: Note my objection, your Honor.

23 THE COURT: 52 for identification is for
24 identification, and it will be so marked.

25 (Exhibit 52 marked for identification.)