

# MARTIN GUY IS GUILTY

## Juror: DNA convicted man in Walpole slaying

By Sean Murphy  
DAILY NEWS STAFF

DEDHAM — When the Norfolk County Superior Court jury foreman pronounced Martin Guy guilty of murdering 75-year-old Irene Kennedy, one member of the Kennedy family in the audience thrust a fist in the air and said, "Yes!"

The four-man, eight-woman panel declared Guy, 45, guilty of beating, stabbing and strangling the Foxborough woman in Walpole's Bird Park on Dec. 1, 1998. The verdict came 5½ hours into the jury's second day of deliberation.

According to Norfolk County District Attorney William B. Keating, the verdict came seven years to the day after Guy stabbed Christopher Payne to death outside the rooming house both men shared in Norwood.

Guy was convicted of that crime and is currently serving

life in prison in MCI-Shirley. Yesterday, Judge Judith Fabricand added a second life term, without possibility of parole, for the Kennedy killing, the mandated sentence for first-degree murder.

Thomas Kennedy, husband of Irene Kennedy, had little to say outside the courtroom. When

asked if he was happy to see Guy convicted, he said, "I don't know. I'm just happy that it's over."

Judge Fabricand listened to Kennedy family members during victim-impact statements before the official sentencing. Nancy Kennedy

Tower, one of Kennedy's daughters, spoke of the wrongful arrest of Walpole's Edmund Burke, who police held for 41 days and who DNA evidence later cleared of the crime.

Burke, who was not present inside the courtroom for the ver-

**"The people who drive by my house and shout 'murderer,' ... I hope they stop that."**

Edmund Burke  
Ex-suspect in the Irene Kennedy murder



PHOTO BY SEAN BROWNE

Norfolk County Superior Court jurors yesterday found Martin Guy, above, guilty of first-degree murder in the Dec. 1, 1998, slaying of 75-year-old Irene Kennedy in Walpole's Francis William Bird Park.

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# Jury finds Guy guilty

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dict, lives at the edge of the park and has a brother married to one of Kennedy's daughters.

Kennedy Tower told the courtroom that Burke's arrest tore her family apart. She said she was glad the court saw the gruesome autopsy photos of her mother's body.

"They depict the kind of sub-human we are dealing with," she said.

Burke was outside the courthouse. He said he hopes the verdict will remove any stain on his reputation that was sullied since the day of his arrest.

"I hope the people who drive by and shout, 'Murderer!' as they drive by my house, I hope they stop that," he said.

Guy offered no reaction to the guilty verdict and said nothing to the media. As he was led out of the courtroom in handcuffs, his sister, Deborah McDavitt, sitting in the front row, said to him, "I'm sorry." His only response was a quick nod.

"It's just devastating," she said after the court adjourned. "It's a sad day for everyone."

Defense attorney Robert Jubinville has been Guy's attorney since he was appointed the man's public defender when the former Norwood man was first charged in June 2003. He said yesterday that an appeal is automatic in murder convictions, but otherwise declined to offer a reaction to the verdict.

"I don't criticize or comment

one way or the other," Jubinville said.

Jurors began deliberations on Tuesday at 11:30 a.m., and announced yesterday at 2:30 p.m. they had reached their decision.

Outside the courthouse, juror Anthony Fischel of Avon said he and his fellow jurors took their time going over all the evidence, but at the start of their deliberations everyone felt Guy was guilty.

"The DNA was the clincher," he said.

Fellow juror Paula Hamilton of Westwood agreed the DNA taken from saliva from wounds to Kennedy's breasts was the most compelling exhibit in the case.

"That pretty much convinced

all of us," she said.

Prosecutor Robert Nelson said he suspected the jury took several hours to deliberate simply to go over the evidence. He said he never wondered if jurors were still trying to make up their minds.

"I think if (deliberations) went past today, then I would have been nervous," he said.

Keating, the district attorney, said in a statement that this was the first conviction in Massachusetts of first-degree murder using a DNA database.

"The power of DNA allowed me to release the wrong man from custody upon taking office in 1999, and today it has brought us to a conviction," he said.