

IRENE KENNEDY MURDER TRIAL

Bra DNA linked to suspect

Analyst: Bite mark evidence
very likely from Martin Guy

By Sean Murphy
DAILY NEWS STAFF

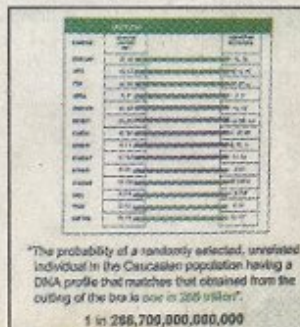
DEDHAM — The odds a DNA sample taken from the bra of murder victim Irene Kennedy do not come from Martin Guy, her accused killer, are 1 in 268 trillion, a scientist says.

"The source of the DNA on the bra cutting, item 6A, came from Martin Guy," Theresa Calicchio, a forensic DNA analyst with the Maine State Police Crime Lab, told a Norfolk Superior Court jury Friday.

During four hours of testimony, Calicchio outlined how DNA evidence eliminated Walpole's Edmund Burke as a suspect and how, nearly five years after the crime was committed, it was used to implicate Guy in the Dec. 1, 1998, slaying.

Guy, who is serving a life term at MCI-Shirley for the 1999 slaying of Christopher Payne in Norwood, is being tried for murdering the 75-year-old Foxborough woman. She was beaten, strangled and stabbed 32 times in Walpole's Francis William Bird Park.

Police and prosecutors say the



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A prosecutor's chart states that the odds DNA on murder victim Irene Kennedy's bra is not from Martin Guy are 1 in 268 trillion.

bra contains saliva from wounds to Kennedy's breast inflicted at the time of her death.

Calicchio gave her testimony under questioning from prosecutor Kate Welch and defense attorney Robert Jubinville. Welch asked about the mechanics of DNA testing and the results of multiple tests Calicchio performed. Jubinville asked about the chances the DNA came from someone other than

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his client.

At issue were three samples, two taken with a swab from the site of one of the two bite marks found on the 75-year-old Foxborough woman's breasts, the third from a portion of her bra that was cut off and sent to the Maine lab.

Deoxyribonucleic acid, otherwise known as DNA, is the biological blueprint at the heart of all human cells and it differs in each person except in the case of identical twins.

Calicchio referred to the swab sample when talking about how DNA evidence cleared Burke, who lives at the edge of the park where Kennedy was murdered and who is the brother of Kennedy's son-in-law. She spoke of the fabric sample when talking of Guy.

The breast swabs, labeled 1A and 1B, had what Calicchio called "mixed," or multiple

DNA sources: a female source identified as Kennedy, and an unknown male source.

Calicchio tested the sample along nine loci, or positions on the DNA molecular chain, which in late 1998 when she received the samples were the points used for identifying subjects in forensic medicine, she said. There are now 13.

She displayed a chart listing Burke's profile and the profiles from the samples, and indicated "multiple" loci in Burke's profile were different than those in the two samples taken from the victim.

"Edmund Burke did not match the profiles of 1A and 1B. He was excluded as a donor," she said.

She said DNA from the bra

fabric yielded a stronger sample to work with and was used to identify Guy.

Calicchio said she tested the bra sample many times, against the DNA of multiple people. None of them matched, she told the court.

She said that technology improved over the years to allow more loci to be tested, and the bra sample was sent to a national database, in case a matching profile showed up.

That's exactly what happened,

on Aug. 15, 2003, Calicchio said, when a "hit" suggested the sample might match Martin Guy.

One last time, the bra sample was tested against a DNA sample from Guy. Out of 13 loci, 12

of them matched Guy perfectly, she said.

Data from the final locus was not available, as the bra sample had been tested so many times not enough material remained.

Jubenville, the defense attorney, argued that this left the door wide open for anyone else to be the killer.

Jubenville asked if it was possible that a finding in that locus that didn't match Guy would exonerate the accused killer, and Calicchio acknowledged that was possible.

But she told Welch that the 13th locus was nearly irrelevant, with 12 others matching perfectly.

Welch asked if Calicchio had ever seen a 12-locus match with a 13th mismatch, and Calicchio said "No."

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