

DEDHAM EDITION



**SPORTS/B3**  
**A LOOK AT THE LOCAL GIRLS SOCCER TEAMS**

# The DAILY NEWS TRANSCRIPT



**FOOD/A8**  
**CLAW INTO LOBSTER ROLLS**

COMMUNITY NEWSPAPER COMPANY • www.dailynewstranscript.com

WEDNESDAY, SEPTEMBER 13, 2006

VOL. 5 • NO. 243 • 24 PAGES • 2 SECTIONS • 50 CENTS

## Trial: Cop told to ignore club

By Sean Murphy  
DAILY NEWS STAFF

DEDHAM — A club found in a stream just yards from the dead body of a 75-year-old woman in Walpole's Bird Park was never considered as a possible murder weapon for a case in which blunt force trauma has been named as one of the three causes of death.

"I was ordered not to examine that item," Robert J. Martin, assistant technical manager for

### Defense focuses on item found within yards of woman's body

forensic biology at the Massachusetts State Police Crime Lab, told the Norfolk County Superior Court jury on the fifth day of the Martin Guy first-degree murder trial.

Guy is accused of the Dec. 1, 1998, killing of Irene Kennedy of Foxborough. She had been beaten, strangled and stabbed 32 times.

Guy is already serving life in MCI-Shirley for the 1999 murder of Christopher Payne in Norwood.

Martin took the stand yesterday, along with Massachusetts State Police Trooper Kevin O'Neil, who brought his police dog to the crime scene on the day of the murder. Also testifying were several people who

worked with Guy, 45, a former Norwood resident, at Domino's Pizza at 1419 Washington St., Walpole.

The shop is just up the street from the Walpole park.

On Monday, the pathologist who performed Kennedy's autopsy said the three causes of Irene Kennedy's death were "multiple stab wounds, manual

strangulation, and blunt head trauma."

Nothing so far has been identified in court as the murder weapon.

At the trial yesterday, defense attorney Robert Jubinville reviewed a list of evidence items that had been turned over to Martin through the course of the investigation.

Martin told Jubinville he listed the club among the evidence received, but there was no record of it being examined. When Jubinville asked why not, the chemist said he had been ordered not to. TRIAL, Page A2



Martin Guy

# Cop told not to investigate club

TRIAL, From A1

"Who gave you that order?" Jubinville asked.

"The district attorney at the time," Martin said, referring to former Norfolk County District Attorney Jeffrey Locke.

Jubinville asked why no one reconsidered the decision not to examine the club once current Norfolk County District Attorney William R. Keating took over the prosecutor's office.

Martin said the club never came up in conversation again, and prosecutor Robert Nelson said after the proceedings had finished for the day that he knew little about the club.

"I've never seen it," he said.

When asked why no one thought to go back and re-examine the club, Nelson shrugged and said he didn't know.

David Traub, speaking for Keating yesterday, said, "The district attorney cannot comment on testimony in the midst of an ongoing trial."

Jubinville also mentioned other items collected at the murder scene and nearby, but never fully examined or analyzed, including hairs, fibers, and a used condom. The defense attorney also asked about blood taken from a knife found in the home of Edmund Burke.

Burke, who lives on the edge of the park and who has a brother who is married to one of Kennedy's daughters, was originally arrested within days of the Kennedy murder, held for 41 days, then released.

Martin, the state police chemist, said all the items Jubinville brought up were in storage, awaiting further analysis.

"No idea when we're going to get around to testing those?" Jubinville asked.

Martin replied, "No, I do not."

Jubinville asked about a condom recovered and sent for analysis. Martin told Nelson on direct examination that the condom did contain seminal fluids, but was tied in a knot, and looked like it had been outside for a long time.

"Literally, it would kind of fall apart in your hand," he said.

But Jubinville, reading Martin's own report back to him, pointed out there had been no mention of the condom's condition in his report.

"It's been eight years," he said. "Can you show us one note, one piece of paper backing up what you just said?"



Martin Guy, right, and his attorney, Robert Jubinville, listen as the prosecutor asks questions about forensic evidence during testimony in the Irene Kennedy murder trial last week.

DAILY NEWS FILE PHOTO BY JAMIE LYN SWERONE

"No," Martin said.

Martin could not even say for sure where the condom was recovered. Reports, he said, indicated it was 15-20 feet from the body. He also said the condom was "in the woods behind 315 Pleasant St.," which is Burke's address. Martin said that arguably could have meant anywhere in Bird Park, since the house is so close to it.

Other evidence Martin displayed and discussed at the request of the attorneys included a rape kit, or a collection of swabs taken from Kennedy's body at the murder scene.

"Was there any evidence that Mrs. Kennedy had been sexually assaulted?" Nelson asked.

"No there was not," Martin replied.

Judge Judith Fabricand ended the nearly seven hours of testimony yesterday afternoon, with Jubinville's cross-examination to resume this morning.

Earlier in the day yesterday, Nelson called four people to the stand who worked with Guy. At the time of the murder, Guy was living in a rooming house in Norwood, but working as a delivery man at Domino's.

Steven Pongonis of Stoughton owns the pizza shop today, but in 1998 was a manager and driver

there, and worked with Guy.

"I would say it was a friendly relationship," he said. "We got along together."

Pongonis said he occasionally went out for beers with Guy, and described Guy as "normal." He often saw Guy reading the newspaper and books on serial killers, he said.

On the day of the murder, Pongonis said everyone at work was talking about it, including Guy, but Pongonis described conversation about the killing as "casual."

Pongonis said Guy also talked about Burke's arrest.

"What was his reaction to that?" Nelson asked.

"He seemed to find it amusing that this gentleman was arrested and the police ransacked his house," Pongonis said.

"When you say, 'He seemed to be amused,' what did he do to indicate that?" Nelson asked.

"Either he was smiling or laughing when he was talking about it," Pongonis said.

Jubinville asked if it was the police investigation of Burke and his home that seem to so amuse Guy.

"I don't know," Pongonis said.

Julie Knoblock, who is married to the man who owned the pizza shop at the time and was manag-

er then, said she also noticed that Guy seemed unusually outgoing that day. Knoblock, in response to a Nelson question, said, "It was a hot topic. People were talking about it. Marty appeared to be more talkative and more friendly."

"When you say, 'more friendly,' what do you mean by that?" Nelson asked.

"Marty was not a friendly person at work," she said.

Trooper O'Neil, who was called in on the day of the murder with his police dog, Shane, said in court yesterday that he used the dog to try to track the killer's getaway path. The dog sniffed some leaves taken from the ground between Kennedy's legs, he said, and ran off into the woods.

The track, he said, led south, across a stream, behind a barn on Forest Street, across a lawn, then back into the park.

By then, he said, Shane was slowing down and picking up his head, a sign that he might be losing the trail.

In fact, O'Neil said he and Shane were "almost at a walk" by the time they passed the playground and wound up in the Pleasant Street parking lot, where Shane went up and down the street.

"How fast was Shane going at this point and time?" Nelson asked.

"We were at a walk," O'Neil said.

Shane circled around and stopped in front of Burke's house, but O'Neil told Jubinville the dog did not show any sign of wanting to go inside.

"When he stopped tracking at that point, that's an indication that the track has ended?" Jubinville asked.

"Yes," O'Neil said.

Sean Murphy can be reached at 781-433-8337, or by e-mail at smurphy@enc.com.

## UNIVERSAL Sudoku Puzzle

SOLUTION

5	2	6	4	1	7	9	3	8
7	9	3	5	8	6	1	4	2
4	8	1	3	2	9	6	7	5
3	4	5	9	6	1	2	8	7
1	6	8	7	3	2	5	9	4
9	7	2	8	5	4	3	1	6
2	3	7	1	4	5	8	6	9
6	1	9	2	7	8	4	5	3
8	5	4	6	9	3	7	2	1

973