

# Horror recounted



PHOTOS BY SEAN BROWNE

Above, Judge Judith Fabricand directs witness Edmund Burke to answer a question to the best of his knowledge yesterday in the Irene Kennedy murder trial. Burke was initially charged with the crime and held 41 days before DNA evidence cleared him. Martin Guy would later be charged with the crime. Below, Burke responds to questioning.

## Burke: Onlookers applauded my wrongful arrest

By Sean Murphy  
DAILY NEWS STAFF

DEDHAM — When police wrongly arrested him nine days after Irene Kennedy's 1998 murder, Edmund Burke told a Norfolk County jury yesterday, neighbors outside his home cheered the officers.

"They were lined up and down the street, and when I was led into the police cruiser they burst into applause," said the Walpole resident, who was testifying in Day 9 of

the Martin Guy first degree murder trial.

Burke was arrested and held 41 days for the murder of the 75-year-old Foxborough woman, whose body was found beaten, strangled and stabbed 32 times in Walpole's Bird Park on Dec. 1, 1998.

Police initially matched Burke's teeth to two bite marks on the victim's breasts, but further analysis and DNA evidence later excluded him as a suspect. More than four

years later, police charged Guy with the crime.

Guy, 45, is already serving a life sentence in MCI-Shirley for the 1999 murder of Christopher Payne in Norwood.

Yesterday, defense attorney Robert Jubinville tried to remind the jury why Burke was considered a suspect in the days after the slaying. He asked Burke, who lives at the edge of the park and has a brother married to one of



Kennedy's daughters, if he spent much time in Bird Park.

Burke said he hadn't been  
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there "in daylight" for at least two years before the murder. On the morning of the crime, he said he left a grocery store at about 2:30 a.m., went straight home, then to bed.

"What time did you get up?" Jubinville asked.

"Whenever the police came looking for me," Burke said.

Jubinville, reading statements out of police reports, wondered if it was true that Burke asked investigators if they were searching his home for knives, or if he had ventured to tell police that "they've got a serial killer on their hands."

Each time, Burke chuckled and said, "No, I never said that."

Burke also denied that he ever discussed his teeth with a Norfolk County House of Correction officer.

"Did you have a conversation of some sort with (the officer)?" Jubinville asked.

"About what?" Burke asked.

"About changing your teeth," Jubinville said.

"No. Never happened," Burke said.

"You didn't ask to have dental work done?" Jubinville asked.

"No," Burke said.

When Jubinville asked if Burke ever lied to the police, the Walpole man said, "I never lied about anything, actually. When I talked to the police, I just wanted to help them."

"So when your recollection is different from what's in the police report, they got it

wrong?" Jubinville asked.

"I know a lot of specific incidents when they're outright lying, yes," said Burke, who did not elaborate and was not asked to elaborate.

Prosecutor Robert Nelson asked Burke to recall what it was like to be arrested for murder. "Do you remember the atmosphere outside your house?"

"I'd like to forget it," Burke said.

The Walpole man recalled the crowd clapping as police took him from his home and put him into a marked police cruiser to be taken into custody.

After testifying, Burke met with reporters outside court and said his mother, Annette, died shortly after he was arrested. He said the whole ordeal of seeing her son behind bars "killed" her.

"They might as well have put a gun to her head and pulled the trigger," he said.

Jubinville, the defense attorney, asked Walpole Police Detective William Bausch how Burke came to his attention in the days following the murder.

"His name came up in conversations, and since he lived close to Bird Park, he was a person of interest," Bausch said of Burke.

Bausch contradicted Burke's earlier testimony that he never asked police what they were searching his house for.

Bausch said Burke wanted to know if police were looking for a knife.

"I told him we would be looking for clothing,

footwear and a knife," Bausch said.

"And what was his response?" Jubinville said.

"He said then we would be looking through the entire house, and he didn't want us to do that," said Bausch.

Police have said Burke's house was filled with clutter from floor to ceiling and they had to empty out a portion of the dwelling to get inside.

During Nelson's cross-examination of Bausch, the prosecutor held up copies of the detective's reports on the investigation and accused him of ignoring information to name Burke the killer.

Nelson said Bausch's report showed he saw state police Trooper Kevin O'Neil with a police dog tracking the killer's possible getaway path at 9:30 the morning of the killing even though O'Neil testified last week that he didn't get to the scene until about 1 p.m.

Nelson grilled Bausch about not mentioning that the police dog meandered past Burke's house before coming back.

"You don't recall seeing the dog go down to the next house, and double back?" Nelson asked.

"No," Bausch replied.

"At this time, you had tunnel vision on Mr. Burke, didn't you?" Nelson argued.

"Yes, I did," Bausch said.

Nelson also asked Bausch about why his report does not mention that a resident on the morning of the killing saw a man running away from the wooded area where Kennedy's body was found.

Walpole resident Nancy Barry told the court Friday she did not recognize the man but said he didn't look like Burke.

"Is that why you didn't have it in your report, that she saw a man running across the park, because it wasn't Mr. Burke?" Nelson shouted at Bausch yesterday in court.

"Absolutely not," Bausch replied.

After the proceedings, Bausch declined comment.

Jubinville also called Dr. Curtis Dailey, a forensic dentist from Bangor, Maine, whom Jubinville asked to examine photographs of the bite marks on Kennedy's breasts, and compare them to molds of Martin Guy's teeth.

In the trial last week, Dr. Neal Riesner of Scarsdale, N.Y., linked one of the bite marks on Kennedy's breasts to Guy.

But in court yesterday Dailey was not so sure.

Dailey used computer software to enhance the photographs of the bite marks, and he made an outline of Guy's teeth on a transparent sheet.

"Try as I might, I could not get this collection of teeth to fit the (bite mark) on the (right) breast," Dailey told the court.

On the left breast mark, Dailey told the court, "I excluded Mr. Guy as a possible biter in this case.

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