

1 have watched him as he walked away.

2 MR. LIBBY: Okay. Nothing further, your Honor.

3 MS. GERTNER: I have nothing, your Honor.

4 THE COURT: Thank you, Mr. Calver, you are excused.

5 Who is next?

6 MS. GERTNER: Gary Starkey.

7 Gary Starkey, sworn

8 Direct Examination by Ms. Gertner

9 Q Would you state your name, please?

10 A Gary Starkey.

11 Q And where do you live, Mr. Starkey?

12 A You want my address?

13 Q You can just give the town?

14 A Quincy.

15 Q And where were you living in October --

16 MR. KELLY: Your Honor, I'm have a hard time hearing.

17 THE COURT: Move closer to the microphone, please.

18 Q Your name, please?

19 A Gary Starkey.

20 THE COURT: You need to speak you get even closer.

21 THE WITNESS: Gary Starkey.

22 Q Where are you living now, just the town?

23 A Quincy.

24 Q Did you say Quincy?

25 A Quincy.

1 Q And where were you living in October of 1991?

2 A On 45 Warren Street.

3 Q And where was that?

4 A Same place in Quincy.

5 Q Okay. And did you meet Mr. Tom Shay, Jr.?

6 A Yes, I did.

7 Q And when did you meet Mr. Tom Shay, Jr.?

8 A In the middle of October.

9 Q And where did you meet?

10 A Quincy Square.

11 Q And how long did you spend in Quincy Square that time
12 when you first met?

13 A Probably about an hour and a half.

14 Q Okay. And did Mr. Shay come home with you?

15 A Yes, he did.

16 Q And did he leave the next morning?

17 A The next -- rather, noontime.

18 THE COURT: Could you speak into the microphone some
19 more, please, get it closer to you, please. How long was he
20 with you?

21 THE WITNESS: He was with me until 12:30.

22 Q And over the next two weeks did you call him on the phone
23 without telling us the conversation, did you call him?

24 A Yeah.

25 Q Roughly how many times?

- 1 A Two or three times.
- 2 Q And did he call you?
- 3 A Yes.
- 4 Q Roughly how many times?
- 5 A Probably more than ten.
- 6 Q When was the next time you saw him?
- 7 A At Scott Critcher's Halloween party.
- 8 Q And Scott Critcher is a friend of yours?
- 9 A Yes, he is.
- 10 Q Is it fair to say that this Halloween party is pretty
11 legendary?
- 12 A Yeah.
- 13 Q What time did you arrive at the party?
- 14 A Probably about 11:30.
- 15 Q And was Mr. Shay there when you arrived?
- 16 A Yes, he was.
- 17 Q And what time did you leave?
- 18 A Probably about 12:30.
- 19 Q And was Mr. Shay there when you left?
- 20 A Yes, he was.
- 21 Q Did you and he talk?
- 22 A I tried to avoid him most of the night.
- 23 Q You did. Did you successfully avoid him most of the
24 night?
- 25 A To some degree.

1 Q But when you left, you have a fair memory that he was
2 still there?

3 MS. GERTNER: No further questions.

4 Cross-Examination by Mr. Libby

5 Q Mr. Starkey, what's legendary about that Halloween party?

6 A He has it every single year.

7 Q Okay. So what's legendary about it?

8 A It's just a real good time.

9 Q You say that you met, you met Shay, Jr. in Quincy Square
10 for the first time; is that right?

11 A Yes, I did.

12 Q Now, is Quincy Square, to your understanding, Mr. Starkey
13 a known gathering place for young males?

14 A It's kind of a cruising place.

15 Q What do you mean by cruising?

16 THE COURT: I think we know what he means.

17 MR. LIBBY: I'm sorry.

18 THE COURT: I think we all know what he means.

19 Q Had you, at or about that time, been cruising Quincy
20 Square?

21 A Yeah.

22 Q On occasion?

23 A On occasion.

24 Q And you are, would you please tell us, pardon the private
25 nature of the question, you're openly gay, are you not?

1 A Yes, I am.

2 Q In fact, when you first met Shay, Jr., you hoped, at some
3 point, to strike up a relationship with Shay, Jr., right?

4 A I wouldn't deem it a relationship.

5 Q Well, you at some point did have some form of
6 relationship with Shay, Jr., correct?

7 A Yes.

8 Q And it was an intimate one, true? However brief, it was
9 an intimate relationship?

10 A Yeah, you can say that.

11 Q You understand Shay, Jr.'s or sexual orientation, to be
12 what, sir?

13 A Homosexual.

14 MR. LIBBY: Nothing further, thank you.

15 MS. GERTNER: Nothing further, your Honor.

16 THE COURT: Thank you, Mr. Starkey. You're excused.

17 Who is next?

18 MS. GERTNER: We have a witness related to the issues
19 that we talked about today, the matters that we talked about
20 in your lobby, and that's --

21 THE COURT: You were going to give me some cases.

22 MS. GERTNER: But he's, can we be heard at side bar?

23 THE COURT: Time to stretch.

24 [conference at the bench, as follows:

25 THE COURT: With all of our planning in the lobby, it