

tell Carrion about getting money from his father for dental work.

109 17 Carrion says he tried to be a good listener when Shay, Jr. talked about his sad childhood. He thinks Shay, Jr. would bring up these memories because he knew Carrion was interested.

109 25 Carrion says that he never saw Shay, Jr. strike anybody.

110 11 The Judge explains to the jury that they are going to accommodate a witness out of turn. The witness is a defense witness who is going off for some long period of time, so everyone has agreed that she can testify now. Gertner will begin the questioning and the prosecution will cross-examine.

TESTIMONY OF EVELYN PIRELLO:

DIRECT EXAMINATION BY MS. GERTNER:

111 17 Evelyn Pirello of 47 Prospect Avenue, Roslindale. She visited her sister who lives at 36 Eastbourne Street, Roslindale on October 28th at the time of the explosion.

112 6 Mrs. Pirello was driving when she arrived at her sister's house. She drives a '89 Chrysler New Yorker. She says she parked her car in front of her sister's house that day.

113 8 While she was backing her car out of the driveway to turn around, someone pulled up behind her and prevented her from completing her turn. She says the man was Thomas Shay, Sr.

114 1 Mrs. Pirello says "Well, he went by me before I finished my turn, and I was a little nettled at that, because you know how women are, under courtesy, I thought he should have waited until I finished my turn. That's the reason I looked at him across the street and knew that he was there." She then gave him a dirty look.

114 16 Mrs. Pirello's son was with her in the car.

114 20 When she saw Shay, Sr. she saw him leave his car and walk up the driveway. He was carrying something in his hand, "in the right hand is what I've seen. That's why I thought it was a serviceman."

115 4 When asked to describe it Mrs. Pirello says "To my fast look, it just looked like sort of a tool box, you know, like a foot long and kind of -- well, it could be, not a tool box, it was just something dark in his hand, you know. I'd say it was about a foot long."

115 13 Mrs. Pirello says the object was a dark color. she does not know what color it was specifically.

115 21 Mrs. Pirello describes how she thinks Shay, Sr. was carrying the object. She says that he was carrying it like it had a handle, but she wasn't sure about that. She couldn't see a handle. She knows he had something in his right hand but she has no idea what he did with the thing in his hand.

116 8 Gertner asks her what Shay, Sr. did when he walked up the driveway. She answers "No, I just seen him, from where I was standing and my fast look, I was just going into my sister's, I could only see him, like, halfway up the driveway, not all the way from where I was standing." She said she didn't see him go into his house and that she couldn't see the whole distance of his driveway. She did not see him do anything with this object.

117 2 Mrs. Pirello says that Shay, Sr. was driving an older type car that was not bright in color. She does not know if it was a foreign car or an American car.

117 7 When she got into the house, she, her son and her sister and her son were there. They went into the kitchen to have coffee. While they were in the kitchen they heard the explosion. Just before the explosion Mrs. Pirello's brother in-law came into the house.

117 18 Mrs. Pirello says that she did not see Mr. McKearnan while he was walking.

117 24 When Mrs. Pirello was making her turn, she did not notice any other cars.

118 3 Mrs. Pirello says that she did not talk to her son about the object she saw in Shay, Sr.'s hand.

118 5 Mrs. Pirello told the police about the object after the explosion, when they questioned her. She says "But I know it was a box. I mean, it was long and flat, it seemed to me, on my quick look."

118 17 Mrs. Pirello says that Shay Sr.'s demeanor was "just normal."

CROSS-EXAMINATION BY MR. KELLY:

119 4 Mrs. Pirello describes the distance she was from Shay, Sr. when she saw him that day. She says "Well, you know the width of the street and his driveway is right opposite to the driveway that I turned in where I parked my car, so I'm not too good at distances, but it wasn't as far as from that wall. Probably from where I'm sitting to that wall, maybe."

119 16 Kelly asks her how good her eyes are and she says "they're pretty good." She said that years ago she had problems with her eyes, "But now I just went to the eye doctor yesterday, and my eyes are beautiful." She wears glasses for reading, not driving.

120 18 Kelly holds up a book and asks her to tell what color the book is. Mrs. Pirello identifies it as dark purple. She cannot read the title of the book.

121 12 Kelly holds up an object (a black rectangular toiletries bag) and Mrs. Pirello says that the object he is holding is roughly the same color as the one she saw on Oct. 28th. She says it is a foot long and four or five inches wide and it has a handle.

121 19 Kelly offers the object as Exhibit 52 for identification.

122 9 Gertner says they have one more witness with a problem. It is Mr. Robert Pirello. they will take him out of turn as well.