

Tom King’s trial testimony

Direct Exam-Ball

TR 201-17 He took his thumb and jammed it into my eye (indicating).

TR 201-20 On the outside of my eye he jammed it in almost behind the eye and kept pushing the thumb in real hard.

TR 202-12 He... jammed that hand, that thumb back into my eye on the inside of my eye and kept pushing the thumb into my eye.

TR 202-24 I put my hand to my eye and I had the sticky fluid, vitreous fluid from my eye, and blood on my hand coming out of my eye. I was blinded in the eye. My other eye was watering. I couldn’t see very good.

TR 203-9 I told somebody they have to get me to the hospital or I was going to lose my eye.

TR 203-18 They put some type of solution in my eye to clean it out. But also a solution under my eye to numb the eye, to freeze the eye, they put patches over both eyes.

TR 203-24 I got a laceration on the eyeball.

TR 204-1 Is that a cut? Yes.

TR 204-3 As a result of that , were you able to see as well as you had in the past?
-5 No Sir.

TR 204-6 Are you having any problems seeing?
-7 Yes, I am having a problem with the eye.
-8 You are still having difficulty; is that right? Yes, sir.

TR 204-13 How long did you have that patch?
-14 I had the patch on a couple of days, three days maybe.

Cross-Exam-Aloise

TR 381-6 This eye totally blind this eye I could not see.

TR 385-12 No. It was lacerated.
-13 lacerated? Yes, sir.

TR 425-8 I don’t know exactly how long the finger was in there, sir.

TR 426-9 I didn’t see anything because I was blind .

TR 431-8 Obviously whatever hand or finger went into your eye.

-10 The thumb.

TR 431-22 I was trying to get his thumb out of my eye. He kept pushing it harder and harder and harder.

TR 432-5 Thumbnail.

Re-direct-Ball

TR 440-13 And it shows a laceration in your eye?

-15 Yes, sir.

TR 468-9 (Q. Ball) Both your eyes you had ___ one was cut and the other one had ___

A. One eye was totally blind. In my left eye was totally blind.

TR 468-14 It was opened but it was ___ I was totally blinded. Right eye was watering, and it was so filled up with water and fluid and blood and fluid from this eye was into that eye that I couldn't see.

TR 468-24 Q.(Ball) Taking out eye, indication mayhem, correct? A. Yes.

TR 469-8 But it is fair to say, isn't it, that it appeared as if your eye was taken out that night, didn't it?

Aloise – object, sustained (no cure)

-17 But fortunately your eye was not taken out, right?

-19 Yes.

Re-Cross-Aloise

TR 479-1 Medical records say "eye superficial abrasion"? (Aloise questioning)

-3 I was told laceration, I can't read that (medical report).

TR 479-14 Doctor Arinello told me I had laceration, as far as my eyeball.

-19 (Aloise) Does Arinella's medical record say superficial abrasion?

-22 I can't read it. (medical evidence).

-23 (Aloise) All right.

TR 486-14 Both eyes blind because my right eye had vitreous fluid, and blood from left cut eye.

De Pasquale – Description of King's eye injury.

TR 715-22 And I looked up and blood was pouring from his eye.

TR 717-8 King told me he thought he was hurt, and I saw the blood and started yelling for someone to get an ambulance.

O'Connor – Description of King's eye injury

TR 756-14 The lower auricle of this eye was full of blood, and there was blood coming out of the eye itself. (auricle means ear lobe).

Schlener – Description of King's eye injury

TR 595-10 I don't know. His eye hurt, his lost - his eye is out, you know.

-23 And could you have said the he lost his eye or and eye is out or something like that

TR 598-5 I thought his eye was popped out.

TR 640- 19 No I just remember the heap and then you know 30-45 seconds after that the guy came screaming that his eye is out.

Richard Traskiewicz – Description of King's injuries

Direct Exam-Ball

TR 500-20 When they went to the ground I advanced that's when I saw Elbery put his finger in this (King's) eye.

TR 501-6 This is when the fight turned around King was on top of him then when the finger went into his eye we jumped in to stop it. I saw blood coming out of his eye.

Cross-Exam Aloise

TR 544-10 That's when I observed him putting his finger in this eye.

TR 549-12 When you observed Elbery put his finger in his eye, King has Elbery on his back in the middle of Shrewsbury St.? A. Right

TR 552-1 King on top of Elbery.

Redirect-Ball

TR 571-5 He stuck his finger in his eye to the point where it was bleeding.

TR 571-7 When Mr. King came back that eye was bleeding right?

-9 Correct.

Recross-Aloise

TR 573-19 Elbery was on his back with King on top of him when Elbery finger went into King's eye and face? A. Right.

John Hayes – Prosecution witness

Direct Exam-Aloise

TR 913-6 Did it (the right eye) appear to be bloodshot or tearing at that point?

A. No it wasn't.

TR 913-3 It was fine (right eye).

TR 913-16 He was doing like this and sticking his finger inside his eye and rubbing it like he had something in his eye.

TR 916-6 He (King) said all the fluids from his eye was rushing out. He was going to lose all of the fluids in his eye.

TR 916-9 Did you see any fluid dripping out of his eye? A. No I didn't.

TR 916-11 Did you see any blood dripping out of his eye? A. No.

TR 917-10 (King's right eye) it was open.

TR 918-16 "I must have got poked in the eye". He said "I think I got poked in the eye". (Hayes quoting King)

Cross- Exam - Ball

TR 938-6 Just looked bloodshot (left eye)

TR 954-20 It wasn't that dark (red). (referring to the pictures of King's eye that were developed by King's Co-workers at the Westboro Police Dept.)

Perma (Worcester cop and defense witness)

Cross-Exam Ball

TR 995-24 His eye was bleeding.

TR 996-1 Which eye was bleeding? A. Left eye.

Yet, King claimed he had 2 patches over his eyes, TR 202-18.

Ball Opening

TR 113-16 King's eye is bleeding terribly. The defendant reached up a second time and grabbed his eyeball again, and he is trying to dig out the eye.

TR 115-20 tried to take out King's eye on two separate occasions.

Aloise Closing

TR 1224 You look at the medical records of Mr. King you will see it was a superficial abrasion __ __ we are now under oath exaggerating. He was in the hospital one hour and twenty minutes not to suggest he didn't get injured.

TR 1225-8 There is no doubt King had bloodshot eye and maybe tearing burns severely, no doubt about that either. That is usually what happens when you get poked the eye. What was he to do? Was he not in reasonable fear of bodily harm?

(Although he made no effort to present this evidence at trial, it is clear or documented Aloise knew that King was lying about his injuries)(argument is not evidence at trial-well settled law).

Ball Closing

TR 1234-18 Remember when he said he gouged King's eye?

TR 1239-20 At that time is when the defendant gets him one arm free, digs his finger into King's eye and tries to put it out.

TR 1240-8 Consider the extent of the force that he exercised to use that type of deadly force that is called, it is not—it is likely to cause serious bodily injury. And I think all of you sitting there would look at the evidence and look at the facts someone trying to poke someones's eye out could cause serious bodily injury.