

TOOLAN

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don't care whether he has a head trauma. You're down there to get your check."

Citing records from various sources about Toolan's conditions, Reddington said that his client has been described as approaching life in a ritualistic way, experiencing paranoia and feelings of hopelessness, being anxious, depressed, irritable and exhibiting rage, and that Toolan has self-reported having a compulsion to wash his hands repeatedly, sometimes 40 to 70 times a day. In re-cross examination by Glenny, Kelly acknowledged that records also indicate that Toolan has a strong urge to control situations, especially in relationships.

Glenny also called Manhattan internist Dr. Richard Neufeld to the stand. Neufeld treated Toolan from 1999 to October 2004 and said he prescribed Klonopin and Zoloft for him after Toolan said he was stressed over his work and needed medication to assist him in making business presentations. He testified that he knew Toolan had been at an alcohol treatment facility but was unaware that he was experiencing alcohol problems in 2004 or had any compulsive disorders, did not know if Toolan was buying medication over the Internet and did not notice any changes in his personality.

Judge Connon told the jury that experts may render their opinions, but that at the close of the trial he will instruct them on Massachusetts law pertaining to criminal responsibility and it will be up to them to decide which witnesses to believe.

THURSDAY, JUNE 14

Testimony came from John Kotfila, a state trooper assigned to the Cape and Islands detective unit who interviewed Toolan in Rhode Island after his arrest the afternoon of the murder. Jurors watched an audio-enhanced tape of Toolan being taken into custody and his transport to the Hope Valley, R.I. police barracks, during which time he is alleged to have somehow unbuckled his seat belt two or three times. Toolan was heard denying that he undid the belt, swearing and saying that "on his honor" he was just sitting there.

Kotfila said during the transport Toolan asked three or four times what the arrest was about and was only told it involved an incident that day in Massachusetts. Later, when told it regarded an incident involving Elizabeth Lochtefeld, Toolan said, "It's not Elizabeth, it's Beth," and said he wanted to answer questions but was concerned he would get in trouble if the situation had something to do with a theft she was connected with that he did not know about. He then said he could not have had any involvement with an incident that day because he had not seen Ms. Lochtefeld since the previous Friday.

The judge told jurors that the government must prove that any statements Toolan made under the arrest circumstances were voluntary, and that they must consider that he was charged with intoxicated driving in their decision as to whether the statements were voluntary. Toolan's breath tests for alcohol registered at about twice the allowed level on the first test and still high nearly three hours after he was pulled over by police.

The jury also watched a video surveillance tape of Toolan at the Hyannis airport after he left Nantucket,

and heard from a state police crime lab chemist who collected samples for testing at the cottage crime scene and from the two cars Toolan rented. Further testimony was given by Massachusetts trooper Sgt. Christopher Mason who was among others conducting a search of Toolan's Manhattan apartment after the murder. He described it as "messy and cluttered" and said he saw a travel Web site on Toolan's computer screen displaying flight schedules from New York to Nantucket on U.S. Air. A couple of vials of prescription medications were seized from the apartment along with an empty Beck's beer bottle, a ring Toolan allegedly purchased at Nantucket's Jeweler's Gallery and photographs.

Massachusetts State Police Crime Lab DNA chemist Jennifer Elliott also testified. She ran tests on articles of Toolan's clothing seized after his arrest and said stains on a jacket, shirt, his watch, a pair of pants and paper towels found in the island's airport trash matched Ms. Lochtefeld's DNA, as did fingerprint scrapings taken from him after his arrest.

WEDNESDAY, JUNE 13

State trooper Lt. Monty Gilardi, supervisor of the Crime Scene Services, testified that a search of Toolan's personal property after his arrest resulted in discovery of four prescription medications including sedatives as well as a prescription for Toolan's dog to be used to calm the animal during anxiety due to thunder storms.

Representatives of Nantucket Airport's ticket counters and Budget car rental testified to Toolan's presence and clothing and time of arrival on the island Oct. 25, 2004. The woman who rented him a Ford Escape said he did not appear intoxicated at the time. Testimony also came from a Hyannis Avis car rental agent at that airport who leased a car to Toolan after he left Nantucket, and described him as "lightheartedly" trying to choose between Avis and Hertz.

The jury heard from Bernadette Feeney, who introduced Ms. Lochtefeld to Toolan on Labor Day weekend that year, and described their attraction as "palpable," saying the relationship took off following that meeting. Feeney, who grew up with Toolan in New York and whose families lived in the same apartment building and were good friends, said she did not witness Toolan drinking when he was with Ms. Lochtefeld during Toolan's and his friend Mark Mitchell's stay with her for the extended holiday, and only knew Toolan had problems with alcohol and drugs through stories she heard from her brother. She further stated that when she saw Ms. Lochtefeld just before she was leaving for Manhattan to end her relationship with Toolan and asked her how things were going between them, Ms. Lochtefeld replied, "It's a roller coaster. I'll call you when I get back." Feeney never saw her again.

Mitchell, who met Toolan four years ago when Toolan was drinking beer mid-afternoon in Central Park with a mutual acquaintance, testified that Toolan was drinking beer when they were on Nantucket, but that he only saw Toolan once after the Labor Day trip until Toolan phoned him the morning of Saturday, Oct. 23. Toolan was at the New York Athletic Club and drinking in one of its bars. Mitchell said when he arrived at the club Toolan "was in bad shape and it was barely noon at that point. He was despondent. There had been a break-up with Beth."

Mitchell testified that he lost track of Toolan and

found him on the 23rd floor roof of the club indicating he wanted to jump off. After diffusing the situation, Mitchell stayed with Toolan, who he described as disheveled with stained trousers, an uncharacteristic appearance for his usually dapper friend. "I hadn't seen him in that condition before," said Mitchell. "I realized his problems and underlying conditions were intractable."

Mitchell persuaded Toolan to get something to eat, and said Toolan repeatedly told him Beth "was gone" and had taken her belongings from his apartment. When the men returned to Toolan's building later in the afternoon, Mitchell said Toolan went into the bathroom and he could hear him unscrewing a bottle. He found Toolan drinking vodka straight from the bottle and tried taking it away but gave up. Toolan took a couple more swallows from the bottle, then poured out the rest. Mitchell remained with him, took him to an Alcoholics Anonymous meeting, then managed to take away two pint bottles of vodka Toolan bought while the two walked Toolan's dog. Mitchell left Toolan's apartment about 2:15 a.m. when his friend was "passed out" in bed, and did not know of the murder until he was contacted by police.

Jurors also heard from a clerk at Force Five Watersports, where Toolan first tried to buy a knife the morning of Oct. 25, and a clerk at Brant Point Marine, where he did buy a knife with an approximate six-to-seven-inch blade and a scallop knife. The clerk said Toolan remarked on the nice view from the store and told him that the airport lost his luggage and he had to get a new scallop knife. The clerk at Force Five said Toolan's demeanor "freaked her out" and the Brant Point Marine clerk described him as overdressed and appearing sober. ■

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