

Expert: Nancy Kerrigan could turn trial

Says 'beloved' figure would sway jurors



By Richard Weir

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A tearful Nancy Kerrigan could have a powerful impact on jurors if her brother's lawyers call her to testify in his manslaughter trial to help blunt charges that he triggered their dad's deadly heart attack during a violent struggle, legal experts said.

"Put her on the stand and let her weep," said Boston defense attorney William Gens. "She is a beloved public figure. People would not want to cross her."

The ice princess, who won a silver medal in the 1994 Olympics and the hearts of many Americans after she was brutally attacked in the lead-up to the Games, joined her family last year in publicly defending her brother, Mark Kerrigan, a 46-year-old Army veteran with a history of violence and mental illness.

While saying the death of their 70-year-old dad, Daniel Kerrigan, was a "sad moment for us all," Nancy Kerrigan at the time called the homicide charges against her brother "unjustified" and vowed to "help my brother fight."

Nancy Kerrigan, who put her arm around her weeping mother, Brenda, in court yesterday, is listed on a witness list for both prosecutors and the defense. But lawyers on both sides remained tight-lipped on whether she will be called.

The famous skater did not witness the altercation in her parents' Stoneham home. But having her take the stand, "on an emotional level, would be helpful" for her brother, said defense lawyer Jeffrey A. Denner.

But the trial, he said, hinges on whether the actions of Mark Kerrigan, who is charged with involuntarily manslaughter and assault and battery, could have led to his dad's death or whether it was due primarily to Daniel Kerrigan's long-standing heart condition.

“But jurors don’t always vote with their brains and their minds,” Denner said. “They often do it with their hearts.”

Dr. Khether Raby, a cardiologist who treated Daniel Kerrigan before his death and first diagnosed him with coronary artery disease in 2003, testified yesterday in Middlesex Superior Court that the physical altercation he had with his son could have precipitated his fatal heart attack.

Prosecutors allege that Mark Kerrigan clasped his hands around his father’s neck, breaking cartilage in his larynx and causing Daniel Kerrigan to die of cardiac dysrhythmia — a skipped heartbeat that can lead to cardiac arrest.

Raby said Daniel Kerrigan did not exhibit shortness of breath in an exam in December 2009, one month before he died during the altercation in the family’s Stoneham house, where Mark was living in the basement.

Suggesting that the autopsy showed that the dad’s arteries were between 85 to 100 percent blocked, Mark Kerrigan’s lawyer, Janice Bassil, later grilled the doctor about why he didn’t do more tests to determine the blockage prior to his death.

Raby said he opted to treat Kerrigan with medication, and he acknowledged he had no way of knowing whether the larynx injury was caused by Mark Kerrigan or by paramedics inserting a tube in his throat.

Herald Wire Services contributed to this report.

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