

Document spells out allegations in O'Connell child rape case

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QUINCY — A document in the court file of an alleged co-conspirator of prominent Quincy developer William O'Connell reports statements by a then-14-year-old girl who says she was the victim of rape and other sex crimes.

The allegations are spelled out in the case against Phyllis Capuano, 21, of Everett, who was indicted Monday along with O'Connell on statutory rape and other charges. Capuano was arraigned in June on a statutory rape charge in Quincy District Court.

According to an arrest warrant request by State Trooper Kathleen Prince, the girl said in a March 30 interview that she had been having a sexual relationship with a "72-year-old white male" and had visited the man's Quincy residence. The girl said she was introduced to the man through Capuano, who also goes by "Kookie," in the spring or summer of 2009.

O'Connell, who is not named in the document but was indicted for some of the same alleged offenses as Capuano, will turn 72 next month.

According to the document, the girl said Capuano told her the man in question would provide payment for sex. She described how she and Capuano engaged in sexual acts in front of the man, including performing oral sex on Capuano at the man's direction. The girl also described how the man had intercourse with her while Capuano was present.

The arrest-warrant request was made June 9 by Prince, the state trooper. Prince says in the document that Capuano told her that day that she was planning a trip out of the country, possibly to Brazil. Capuano was arraigned in Quincy District Court that day.

The connection between Capuano and O'Connell was not known publicly until the grand jury indictments were made public Monday.

"They may be talking about somebody, but it's not Bill O'Connell," said O'Connell's attorney, Stephen Delinsky. "If this report is allegedly dealing with him, it's completely false and a lie."

Capuano is charged with one count of statutory rape, two counts of conspiracy to commit statutory rape, one count of aiding and abetting the commission of statutory rape, and one count of committing an unnatural and lascivious act.

Her attorney, Joanna Sandman, declined to comment.

O'Connell is charged with four counts of statutory rape, as well as conspiracy to commit and aiding and abetting the commission of statutory rape and lewd and lascivious acts. He is also charged with drug trafficking, a charge tied to a March 31 raid on his Marina Bay condominium. Police say they recovered 18.49 grams of cocaine during the raid. The Patriot Ledger has engaged in a protracted legal battle with the district attorney's office and O'Connell's attorneys for access to records of that search. The case is now before the state supreme court.

Prior to his indictment Monday in Norfolk County Superior Court, O'Connell was charged in district court with paying a fee for sex, among other charges.

Special prosecutor Andrew Berman did not present that charge to the grand jury that voted on the indictments. He declined to say why.

The sex charges against O'Connell stem from several interactions with the alleged victim, who is now 15, over a two-year period. Capuano is charged for her alleged involvement in one of those incidents.

"Mr. O'Connell is not a child rapist," Delinsky said when contacted Tuesday. "He denies these charges with every fiber in his body, and will fight them to the end."

Delinsky added, "It's very easy to make allegations about somebody who's very wealthy and prominent."

"From our investigation, there was an attempt to extort and set up Mr. O'Connell," he said. "Things aren't what they appear to be. (The alleged victim's) past and her complete background will be exposed in the court of law."

Delinsky said O'Connell is a "kind, gentle and decent" person.

"People have taken advantage of his generosity in trying to help people in need," he said.

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