

Judge allows phone records to be turned over in O'Connell case

By Jack Encarnacao
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Business News

QUINCY — A judge granted a request for a shooting victim's cellphone records, which the defendant's attorneys say will explain what led to the 2009 incident in which the son of a wealthy Quincy developer is charged with attempted murder.

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Norfolk County Superior Court Judge Paul E. Troy granted the request to turn over to defendant Robert O'Connell's attorneys the phone records of four people, including Joseph Fasano, the former Milton firefighter who survived a gunshot wound to the stomach in the incident.

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In the requests, O'Connell lawyer John McGlone said the records would speak to Fasano's state of mind the night of the shooting and whether he sought to purchase drugs beforehand.

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"The alleged victim's state of mind and level of sobriety on the night in question will be relevant in this case as one of the defenses that may be raised is self-defense," McGlone's motion reads.

McGlone's requests for the records say Fasano and Jennifer Bynarowicz, a passenger in the car he was driving the night of the shooting, admitted to snorting cocaine that night.

A request also says Fasano drank two or three glasses of wine and a beer at a party for his mother that night at the bar Peggy O'Neil's in Dorchester.

O'Connell, the son of developer Peter O'Connell and nephew of Peter's development partner William O'Connell, was indicted on an attempted murder charge last year for allegedly shooting Fasano.

The Dec. 12, 2009, shooting took place after a traffic confrontation that resulted in Fasano getting out of his car and approaching a car investigators think was O'Connell's. The shooting happened near a ramp that leads to Marina Bay, where O'Connell lives and which his family developed.

A log of select calls and text messages from Fasano's phone that have already been provided showed him contacting two people the day of the shooting, referred to only as "Jimmy" and "Tweeze."

According to court papers, Fasano asked Jimmy via text message if he had any "boxos," which is used as slang for the prescription drug Suboxone. According to McGlone's motion, within two hours after that text, Fasano texted Jimmy again stating he would "see (him) here in 20."

McGlone presumes that to mean Fasano and Jimmy were meeting in 20 minutes to make a Suboxone drug deal.

Fasano's text messages to Tweeze indicate that that person was also involved in an alleged drug deal, McGlone said.

In addition to Fasano's records, O'Connell's attorneys were also granted permission to receive the phone records of Bynarowicz, Tweeze and Jimmy.

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Jack Encarnacao may be reached at jencarnacao@ledger.com.

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The victim's sobriety had nothing to do with Mr Entitlement's shooting him.

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