

Judge postpones decision on O'Connell documents

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The Patriot Ledger

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QUINCY — The attorney prosecuting prominent developer William O'Connell and the attorney defending him presented in court a joint argument opposing the public release of documents that spell out the state's case against O'Connell.

Special prosecutor Andrew Berman and defense attorney Stephen Delinsky argued before Quincy District Court Judge Robert Ziemian on Wednesday that releasing search warrant materials would violate **a provision of state law that restricts from disclosure police reports of rape and sexual assault.**

Ziemian postponed a decision until next Thursday. Previously, Ziemian had ordered Berman and the defense to collaborate on a redacted version of the records that would be public if he lifted an impoundment. That version would black out references to the alleged victim's name or other details that might lead to her identification. Those documents were submitted and are being held by the judge.

The Patriot Ledger has been petitioning the court to lift the impoundment order on material related to a March police raid of O'Connell's Marina Bay condominium. The raid resulted in O'Connell being charged with aggravated rape of a child under 16, paying a fee for sex and cocaine trafficking. Berman said O'Connell is expected to be indicted the week of Aug. 14.

Patriot Ledger attorneys Michael Grygiel and Zachary Kleinsasser of Greenberg Traurig said the joint argument against disclosure conflicts **with another statute** providing that the public has a presumptive right of access to search warrant materials, and that impounding the search warrant materials is an exception, not the rule. They argued there is an overriding interest in the public's ability to assess the judicial process and to assess whether O'Connell is being shown favoritism.

Berman has argued the records would identify the alleged victim and make her vulnerable to intimidation or manipulation. He has argued that even if the victim's name is redacted, the records contain information that could be used to determine the victim's name.

Delinsky filed an opposition motion arguing the documents would infringe on O'Connell's right to a fair trial.

He wrote that allegations in the records are "inflammatory and sensational accusations and statements based on multiple levels of hearsay."

"... The allegations in these documents are likely to become embedded in the minds of the potential jurors, prejudicing them against the Defendant," Delinsky wrote.

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