

# Mass. court: Unseal search warrant in rape case

*No 'good cause' for O'Connell warrant to be sealed, court says*

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## BOSTON -

A search warrant in a statutory rape case against a prominent real estate developer should be unsealed and available to the public, the state's highest court ruled Thursday.

Ruling in the case of Quincy developer William O'Connell, the Supreme Judicial Court said that under Massachusetts common law, judicial records are presumptively available to the public. The court agreed with a Quincy District Court judge who found that prosecutors and O'Connell's lawyer had not shown "good cause" to keep the material impounded.

The lower court judge ordered the search warrant unsealed but with the victim's name and other identifying information blacked out before it was made public. The high court upheld that ruling.

O'Connell was charged last year with aggravated statutory rape, paying a fee for sex and trafficking in cocaine. He has pleaded not guilty.

The search warrant affidavit includes an extensive recitation of statements made by the accuser and others regarding O'Connell's alleged criminal conduct.

At the request of prosecutors, the affidavit was sealed shortly after police searched O'Connell's condominium in Quincy. The publisher of the Patriot Ledger newspaper in Quincy sought access to the impounded affidavit on the grounds that the document was presumed to be public. After several hearings, the district court judge vacated his earlier order impounding the affidavit.

O'Connell's lawyer argued that unsealing the affidavit could jeopardize O'Connell's right to a fair trial.

But the high court said that under Massachusetts common law, judicial records are presumptively available to the public.

"Materials filed with a court to support the issuance of a search warrant not only shed light on the functioning of law enforcement agencies, but also provide a means of understanding the court's decision to issue a warrant," Justice Fernande "Nan" Duffy wrote for the court in the unanimous ruling.

