

O'Connell lawyer seeks to destroy credibility of alleged rape victim

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QUINCY — A host of motions filed by the attorney defending Quincy developer William O'Connell against statutory rape charges cast the alleged victim as a runaway with a troubled past and questionable motives.

The 23 motions filed by attorney Stephen Delinsky in Norfolk County Superior Court seek the release of numerous records from many sources, including juvenile courts, rape counselors and state child protection agencies.

The records, Delinsky argues, are likely to contain evidence that would shed light on any motive the girl would have for lying, as well as her ability to accurately remember and relate facts.

"I filed the affidavit under oath and in good faith," Delinsky said. "I am seeking court-ordered discovery ... that I contend will exonerate my client."

The motions, which were filed on Tuesday, state that the girl's "credibility will be a key issue in this case."

The alleged victim was 14 during her interactions with O'Connell in 2009. She is 16 today.

"(The girl) has an admitted history of mental health issues, drug and alcohol abuse, and juvenile delinquency," one motion reads. "(The girl) also had an alleged history of sexual abuse, domestic abuse and a 'tough' family relationship."

A hearing on the motions, which were also filed on behalf of alleged O'Connell co-conspirator Phyllis Capuano, is set for April 24.

O'Connell was indicted in August on four counts of statutory rape for interactions with the girl between June and September of 2009. He was also indicted for cocaine trafficking after cocaine was found when police searched his condo at Marina Bay in Quincy.

The documents from O'Connell's lawyer say the girl's interactions with O'Connell came after she had run away from home, and that she had been the victim of prior rapes, including once by her mother's boyfriend.

In his affidavit, Delinsky said a special prosecutor told defense counsel that the girl's family "obviously saw a lot of money in this case."

Asked for comment on that allegation Thursday, special prosecutor Andrew Berman, who is prosecuting the case for the Norfolk County district attorney's office, pushed back.

"I have never at any point in time suggested or insinuated or stated that the victim in this case has a financial motive to lie," he said. "Any suggestion that I called into question the motivation of this witness is a complete falsity."

Asked for comment on other allegations in the motions, Berman said he was in the middle of reviewing them and would "respond appropriately with any necessary filings with the court."

Other motions filed on O'Connell's behalf this week seek the return of property police seized from a safe in his Marina Bay condominium because they are not evidence related to the alleged crimes. The items include passports, watches and a birth certificate.

Among other things, Delinsky also seeks to have the cocaine that was allegedly found in O'Connell's safe to be retested and measured with a defense expert present.

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