

OUR OPINION: Handling of O'Connell case increasingly troubling

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EDITORIAL — Even with a full understanding of the complexity of the case and the fairness issues involved, it is hard not to be outraged by the incredible accommodations being made by the court for a prominent Quincy business man accused of raping a child and dealing in cocaine.

The impression that William O'Connell was getting special treatment in the adjudication of charges he raped a girl under the age of 16 and trafficked in cocaine began this summer when both his attorney and prosecution agreed that legal documents normally available to anyone interested should in this case be hidden from the public.

Concerns grew when Norfolk County District Attorney Michael Morrissey had to hand off responsibility for the case to special prosecutor Andrew Berman because O'Connell over the years has been a generous donor to Morrissey's political campaigns.

The impression was cemented this week when we learned Norfolk County Superior Court Judge Kenneth J. Fishman had granted the 72-year-old multimillionaire permission to travel to Rome and the Vatican at the end of this month.

It was troubling enough to witness the prosecutor who wants O'Connell in prison and the defender trying to keep him out joining forces to convince the court to impound the search warrant. We understand that prosecutors "have ethical obligations to avoid certain kinds of pretrial publicity that would or could negatively taint a jury pool," as one legal analyst put it. But there are ways of doing it without impinging on the public's right to evaluate the integrity of the judicial process. We sued for access to those records and won but the decision is being appealed to the state's highest court.

Any thought that this public access battle might heighten the court's sensitivity to the appearance of special treatment flew out the window when Fishman signed off on O'Connell's request to leave the country on a trip the defendant categorized as "religious experience."

Making matters worse is that this decision doesn't just raise questions about special treatment. This is a man who has lived a life of luxury for decades and is now facing the possibility of spending the rest of his days in prison.

We can understand previous court decisions that allowed him to travel to Florida and Colorado for business. And we certainly believe anyone should have the right to practice their religion regardless of their legal predicament.

Yet in a court system where concerns of "flight risk" are regularly scrutinized, Fishman's ruling is puzzling at the least.

The judge has required O'Connell provide a detailed itinerary of his trip and that he surrender his passport immediately upon return but we're not sure what kind of reassurance we can draw from that.

It is difficult, if not impossible, to determine if the influential circles O'Connell has moved in for decades are at play in the way his case is being handled. We prefer to believe they are not and fully support efforts to ensure he is granted a fair trial.

But aspects of this case make it increasingly difficult to reject the notion that O'Connell's money and power are giving him advantages and privileges enjoyed by few rape and drug defendants.



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