

Trial of O'Connell in alleged Quincy shooting set for September

By **Jack Encarnacao**
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QUINCY — On a December night in 2009, prosecutors say, Robert O'Connell repeatedly hit the brakes of his Porsche in front of Joseph Fasano's car.

When Fasano got out of the car, prosecutors say, O'Connell, a soft-spoken member of a noted family of Quincy developers, shot him in the stomach.

The trial to determine if and why O'Connell fired the shot will begin Sept. 24 in Norfolk County Superior Court. That's more than a year after the initial trial date that was set for the closely watched case, and comes after a series of twists and turns.

Since the shooting, Fasano has been fired from the Milton Fire Department as O'Connell's defense team sought his phone records and details about his treatment for post-traumatic stress. The new district attorney farmed the case out to a special prosecutor because of past dealings with the O'Connell family as a legislator.

While he awaits trial, O'Connell must stay away from the victim and not possess a firearm. Originally he was ordered to home confinement, but those conditions were removed after a judge granted a defense request to remove his monitoring bracelet. O'Connell's father, Peter O'Connell, posted his \$500,000 cash bail.

The Sept. 24 date was set after O'Connell's attorneys decided to proceed before receiving Fasano's phone records from Verizon, a request the phone company has been slow to fulfill.

"It doesn't seem like there's any significant discovery issues anymore," said William Sullivan, one of O'Connell's attorneys. "There were a lot of issues that went into the length of getting this case to trial. Some of it were the phone records, but there were a whole lot of other issues ... medical record issues, there were changes in prosecutors, there was a whole set of things. We're looking forward to the trial date coming up."

Court system spokeswoman Erika Gully-Santiago acknowledged the case took longer than is typical to go to trial.

"This case is an exception, and in the normal course, it probably would have been (disposed of or concluded by this point)," she said. "There are many different factors or circumstances that can impact how long it takes a case to get to trial."

Despite the wait, neither the prosecution nor the defense objected to any continuances.

O'Connell, 42, is charged with armed assault to murder and assault and battery causing serious bodily injury. If convicted of attempted murder, he faces up to 20 years in prison.

Sullivan declined to discuss the defense strategy for the case, though past statements by O'Connell lawyers indicates self-defense will be part of it.

Investigators linked O'Connell to the shooting of Fasano after spotting what looked to be his car on an auto body shop's surveillance tape the night of the shooting, which took place on the on-ramp to Commander Shea Boulevard.

That tape was matched to a tape that showed a similar-looking car backing into O'Connell's parking spot at nearby Marina Bay shortly after the shooting.

Police recovered four licensed guns from safes in O'Connell's condo, including two .45-caliber Smith and Wesson handguns. A weapon of that caliber was used in the shooting. O'Connell's attorney has said O'Connell owned the firearms for protection and is a recreational shooter.

A bag of cocaine and cash was found in the Jeep Cherokee that Fasano was driving before he was shot.

Discovery requests by O'Connell's attorneys say Fasano and Jennifer Bynarowicz, a passenger in the car Fasano was driving, admitted to snorting cocaine the night of the shooting and that Fasano drank two or three glasses of wine and a beer at a bar.

Bynarowicz once dated Robert O'Connell's uncle William, the development mogul who last year was indicted on statutory rape and cocaine trafficking charges for acts that allegedly took place in 2009 in the Marina Bay building next to where his nephew lives.

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

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