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Ruling expected on disgraced former FBI agent's appeal



John J. Connolly's Jr.'s lawyers say his conviction should be tossed out because the statute of limitations expired years ago.

By Shelley Murphy
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MIAMI - When former FBI agent John J. Connolly Jr. appears in a Florida courtroom today, he will either have his recent state murder conviction set aside or be handed a sentence that could keep him in prison for the rest of his life.

John J. Connolly Jr.'s lawyers say his conviction should be tossed out because the statute of limitations expired years ago.

MURDER CONVICTION

A jury found Connolly guilty in November of second-degree murder with a gun for leaking information to longtime FBI informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi that caused the two gangsters to orchestrate the murder of a potential witness against them in Florida in 1982.

But in another twist in a case that has taken decades to unfold, Connolly's defense lawyers mounted a challenge weeks after the verdict, arguing that it should be tossed out because the statute of limitations had expired years ago on the second-degree murder charge. Prosecutors insist the conviction is valid.

Miami-Dade Circuit Judge Stanford Blake, who presided over the trial, has promised a ruling from the bench this morning. If he refuses to discard the verdict, then Connolly, 68, will be sentenced to a minimum of 30 years in prison and a maximum of life for the death of Boston business consultant John B. Callahan.

"The jury was able to reach a decision; this was fairly done," said Callahan's widow, Mary, adding that the verdict should stand and Connolly should be sentenced to prison for her husband's murder.

But whatever happens, Mary Callahan said she is grateful that there was a trial and that she and her children, Kathleen and Patrick, who were teenagers when their father was killed, were able to stand before the judge last month and talk about their loss, she said.

As for Connolly, who retired from the FBI in 1990, Mary Callahan said: "If he gets off, he's not off. His reputation is ruined. . . . He's never going to be the same. He's in jail."

Connolly is serving a 10-year prison term for his 2002 conviction on federal charges of racketeering, obstruction of justice, and lying. He was found guilty of warning Bulger and Flemmi to flee just before the gangsters were indicted on racketeering charges in 1995. Bulger, 79, who is charged with 19 murders, remains one of the FBI's 10 Most Wanted, with a \$2 million reward being offered for information leading to his capture.

In the Florida case, jurors found that Connolly essentially signed Callahan's death warrant by telling Bulger and Flemmi that the FBI was seeking Callahan for questioning and that the businessman would probably implicate the gangsters in the 1981 killing of World Jai Alai owner Roger Wheeler.

During the eight-week Florida trial, jurors heard Flemmi, who is serving a life sentence for 10 murders, testify that Connolly's tip prompted him and Bulger to enlist hitman John Martorano to kill Callahan. Martorano, who is free after serving 12 years for 20 murders, told jurors that he reluctantly lured his friend, Callahan, to Florida and shot him in the head. Callahan's body was discovered Aug. 2, 1982, in the trunk of his car at Miami International Airport.

Attorney Manuel L. Casabielle, who represents Connolly, argued that jurors were erroneously told by the judge before deliberations that if they acquitted the former agent of first-degree murder and conspiracy to commit first-degree murder, they could consider the lesser charge of second-degree murder with a gun.

Under current Florida law, there is no statute of limitations on any crime resulting in death. But at the time of Callahan's death, there was a four-year statute of limitations on second-degree murder, unless a gun was used.

But Casabielle has argued that Florida case law indicates that only the person who shoots the gun in a killing can be convicted of second-degree murder with a gun. It is uncontested that Connolly was vacationing on Cape Cod when Martorano shot Callahan.

"It is unfair for John to be convicted of a crime in which the statute has run," Casabielle said in a phone interview this week. "The government is coming up with these theories that turn the law as we know it today on its head."

But Miami-Dade Assistant State Attorney Michael Von Zamft insisted that Casabielle's interpretation of the law is wrong and that Connolly did not have to be the shooter to be convicted of second-degree murder with a gun.

He said jurors made a specific finding that Connolly was an armed participant in Callahan's killing because he was carrying his FBI firearm when he met with Bulger and Flemmi and leaked them information that instigated the murder.

"A jury in Dade County made an appropriate decision to convict him," Von Zamft said in a phone interview this week. "We don't believe there is any legal grounds to overturn the verdict."

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