

# The Boston Globe

## Sides make case to Connolly jurors

Prosecutor recaps ties; defense says key witness a liar



Former FBI

agent John Connolly (left), listened to a federal judge yesterday during Connolly's murder trial in Miami. (J. Pat Carter/ Associated Press/pool)

By Shelley Murphy

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MIAMI - Retired FBI agent John J. Connolly Jr. knew he was "signing the death warrant" of a Boston businessman in 1982 by leaking sensitive information to longtime informants James "Whitey" Bulger and Stephen "The Rifleman" Flemmi, a federal prosecutor told jurors yesterday.

John Callahan's bullet-riddled body was found in the trunk of his Cadillac at Miami International Airport in 1982.

### MURDER VICTIM

"He clearly understood that Mr. Bulger and Mr. Flemmi were going to kill anybody who was a threat to them, anybody who was ratting them out," said Fred Wyshak, a federal prosecutor from Boston who is assisting in the state of Florida's murder case against Connolly.

And one of those people Connolly said posed a potential threat was Boston businessman John B. Callahan, who Wyshak told jurors was killed in Florida 26 years ago after Connolly warned Bulger and Flemmi that he was being sought for questioning by the FBI and would probably implicate the gangsters in murder cases.

After Wyshak's three-hour closing statement, which capped seven weeks of testimony, the defense told jurors that prosecutors relied on a cast of serial killers and liars, and used "the mud theory of prosecution." They presented a mountain of unsubstantiated evidence of corruption and wrongdoing by Connolly dating to the 1970s that had nothing to do with Callahan's slaying, said Manuel L. Casabielle, Connolly's lawyer.

"You have to believe a man like Mr. Flemmi to buy the government's case," said Casabielle, noting that Flemmi, who is serving a life sentence for killing 10 people, was the only witness who linked Connolly directly to Callahan's murder. Other witness claimed said that Bulger - a fugitive on the FBI's 10 Most Wanted list - told them about Connolly's alleged leaks.

"Mr. Flemmi, in addition to being a serial killer, is a pathological liar," Casabielle told jurors. "And he admits it. Maybe the only time he tells the truth is when he says he lies."

But, the prosecutor said, Connolly had vouched for Flemmi's credibility when he used him and Bulger as informants against the Mafia, shared cozy dinners with them, and even vacationed with Bulger.

Connolly, 68, who retired from the FBI in 1990 after 22 years, now has a thick head of gray hair. Dressed in a dark sports jacket, tan pants, white shirt, and red tie, he frowned often and at one point appeared disgusted as he sat beside his lawyers listening to closing remarks. He took notes, whispered to his attorneys, and scanned the jurors' faces.

For the first time since the case began in September, the Miami-Dade courtroom was nearly full with supporters - including his wife, brother, and sister - investigators, reporters, the father of one of Bulger's victims, and other observers.

Some jurors appeared restless after listening to the prosecution's lengthy remarks and one hour of the defense's closing. When the jury left for a break just before 4 p.m., Casabielle complained to the judge, "Some of the jurors are sleeping. I don't know what to do about it. I'm trying to be lively."

Judge Stanford Blake agreed that some jurors looked tired, but said he didn't believe any were dozing. However, he let them go for the day just after 4:30 p.m., which was earlier than planned.

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**MURDER VICTIM**

Casabielle is expected to finish his closing today, followed by a rebuttal from the prosecution. Then, the judge will give instructions to jurors and let them begin deliberations.

Connolly, who is charged with murder and conspiracy to commit murder, faces up to life in prison if convicted. He did not take the stand. If he had, jurors would have been told that he was a convicted felon. He's serving a 10-year prison term for his 2002 federal racketeering conviction in Boston for protecting Bulger and Flemmi from prosecution and warning them to flee just before their 1995 indictment on racketeering charges.

The state's key witnesses were Flemmi, hitman-turned-government witness John Martorano, who served 12 years for killing 20 people; Kevin Weeks, a gangster-turned-author who admitted assisting Bulger in five murders and served five years in prison; and disgraced FBI supervisor John Morris, who admitted accepting bribes from Bulger and Flemmi and was granted immunity from prosecution.

Flemmi testified that he and Bulger paid Connolly \$235,000 in bribes, and that Connolly leaked them information - including tips that prompted them to kill two FBI informants, one in 1976 and another in 1982.

In chilling testimony, Martorano described shooting his friend, Callahan, in the back of the head after luring him to Florida at the request of Bulger and Flemmi. Callahan's bullet-riddled body was found in the trunk of his Cadillac at Miami International Airport on Aug. 2, 1982.

Morris, who wept on the stand, testified that he started taking payoffs from Bulger and Flemmi after Connolly delivered him a case of wine from the gangsters, containing an envelope stuffed with \$1000 cash.

"If John Connolly was an honest agent, he wouldn't be behaving like Santa Claus for Whitey Bulger," said Wyshak, referring to Morris's testimony, as well as admissions by another former agent that he exchanged Christmas gifts with the gangsters with Connolly serving as middleman.

While the FBI's relationship with Bulger and Flemmi has become legend in Boston - and triggered criminal prosecutions, civil trials, congressional hearings and an overhaul of the FBI's informant guidelines - the question remains how it will play to the Florida jury. ■

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