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Cop defends hit man's sentence

DAVID OVALLE dovalle@MiamiHerald.com
BY DAVID OVALLE dovalle@MiamiHerald.com

Definition of necessary evil: allowing a prolific hit man to escape with a featherweight 12-year prison term in exchange for his help nabbing top Boston gangsters – and corrupt lawmen.

That was the testimony Friday from Thomas Foley, retired head of the Massachusetts State Police, speaking during the trial of disgraced FBI agent John Connolly.

Connolly, accused of being in cahoots with feared Boston gangsters James "Whitey" Bulger and Stephen Flemmi, is on trial in Miami-Dade Circuit Court for the 1982 assassination of a gambling executive.

Said Foley: "Because of the twisted relationship John Connolly and the FBI had with Bulger and Flemmi, it put us in a position where we had to make a decision like that."

In the 1990s, Foley oversaw a Boston racketeering case against Bulger and Flemmi, who had operated bookmaking and loan-sharking operations. The pair were confidential informants for Connolly, who prosecutors say shielded them from prosecution, tipped them off to indictments and warned them about snitches.

Bulger and Flemmi were outed as FBI informants in federal court proceedings in 1997. That pushed hit man John Martorano, the gang's feared assassin who admitted to 20 murders, to cooperate with prosecutors in exchange for what amounted to a 12-year prison term.

Martorano is now free. He testified earlier in the week.

The deal was much criticized as lenient, Foley admitted, but was necessary to put away Bulger, Flemmi and "corruption within law enforcement."

"We all felt he should have had more time," Foley said. "[But] we were in a situation where we had no choice."

Bulger remains one of the FBI's top fugitives.

Connolly was convicted in 2002 of racketeering for helping Bulger's crew in one of the darkest corruption scandals in FBI history.

Flemmi is serving life in prison.

In Miami-Dade, Connolly is charged with first-degree murder and conspiracy to commit first-degree murder in the 1982 death of John Callahan, found shot inside the trunk of his Cadillac at Miami International Airport.

Callahan was killed by Martorano, who testified that he shot the former World Jai-Alai executive because Connolly told Bulger that Callahan would cooperate with investigators in another murder probe.

Prosecutors contend that Connolly knew Callahan would be slain -- because when he tipped Bulger and Flemmi off earlier about other snitches, they wound up murdered.

Defense attorney Manny **Casabielle** suggested Bulger lied about Connolly's involvement.

As for the chances of Bulger taking the stand?

"It would be nice, but I don't think that's going to happen," Foley said.

PHOTOS BY MARICE COHN BAND/MIAMI HERALD STAFF TOP STATE COP: Thomas Foley describes wiretapping a bookmaker to pressure two Boston gangsters who were cozy with rogue FBI agent John Connolly. Judge Stanford Blake is presiding in Connolly's murder trial.
DEFENDANT: John Connolly is accused of telling his mob friends that Miami's John Callahan was cooperating with police. Callahan was shot to death in 1982.

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