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FBI agent awaits fate

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Disgraced former FBI agent John Connolly will find out Thursday whether he will be ordered to prison for a Miami murder -- or whether a judge will toss his conviction because the statute of limitations ran out.

In November, jurors convicted Connolly, 68, of second-degree murder in the July 1982 slaying of former World Jai-Alai executive John Callahan.

A star FBI agent in Boston in the 1970s and '80s, Connolly was accused of becoming corrupted by the same mobster informants who were helping him build cases against other underworld figures.

Prosecutors say Connolly told Winter Hill gang leaders that Callahan might cooperate in the probe of an earlier mob murder. A gang hitman responded by shooting Callahan dead, leaving his corpse in a Cadillac trunk at Miami's airport.

Connolly will learn his fate in the courtroom of Miami-Dade Circuit Judge Stanford Blake. He was originally charged in 2005 with first-degree murder and conspiracy to commit first-degree murder. Miami-Dade jurors instead convicted him of second-degree murder.

Connolly's defense attorneys have challenged the verdict. Their motion centers on Florida law at the time of the slaying that said second-degree murder could not be prosecuted more than four years after a slaying or a suspect was identified.

However, the use of a firearm during the crime was an "enhancement" that rendered it a felony punishable by up to life in prison, with no statute of limitations.

Prosecutors say FBI agent Connolly carried his service weapon while revealing the sensitive information that doomed Callahan, during a meeting in New England several weeks before the fatal shooting.

"The jury made a specific finding that Connolly carried a firearm during the time he committed the acts that resulted in the death of John Callahan," said Miami-Dade Assistant State Attorney Michael Von Zamft.

"As long as he carried the firearm when he committed the acts, that's sufficient."

But defense attorney Manny **Casabielle** says the enhancement doesn't apply because Connolly's gun was not the one used in the Florida murder.

"It's crystal clear -- you have to be either carrying or using a gun during a commission of the crime, not three weeks before in a different state."

Connolly's case is being closely followed in Boston, where the hunt for Winter Hill kingpin fugitive James "Whitey" Bulger remains a FBI priority.

A federal jury there convicted Connolly of racketeering in 2002 for his role with the gang. Sentenced to 10 years in federal prison, he is slated to walk free in 2011.

But for the Callahan conviction -- if it stands -- Connolly faces up to life in prison.

Prosecutors also contend Connolly's defense team filed their motion past a 10-day deadline, making their argument over the conviction moot.

Casabielle says he understood the judge allowed him to file by Dec. 4, the original sentencing date.