



The 14-year-old girl told police she visited the rich old man once a week. They had sex, and he gave her money. The man's lawyer says the girl is telling malicious lies. "To help somebody is not a crime."

ILLUSTRATION BY
EDDIE GUY

FAST TIMES AT MARINA BAY?

The **O'Connell family** rose from nothing to become one of the state's most powerful developers, putting up mega-projects like Marina Bay in Quincy and the Seaport World Trade Center.

But with one family member charged in the shooting of an off-duty firefighter and another accused of drug trafficking and repeatedly having sex with a 14-year-old girl, their protected world of wealth and privilege has begun to crumble.

BY ALYSSA GIACOBBE

HE WAS DRAWN TO FLASH, AND A LITTLE BIT OF DANGER,

perhaps not so uncharacteristic for a man who made a living in luxury real estate. There was the boat, a sleek 47-foot cigarette model, the sports cars, including a Ferrari and a Jaguar, the private helicopter. He told the girl he'd fly her to Martha's Vineyard in that helicopter. He said he had to be very careful with her because she was so young.

They first met in the summer of 2009. He was somewhere around 70. She was 14. She went to his condo, she later told police, on something of a pretense, invited by a girl she knew simply as Kookie.

"You just have to watch," said Kookie, a 19-year-old aspiring nanny who said she planned to have sex with the man. He was rich, one of the richest in Quincy, and he would give them money.

And so, as the girl would later tell police while laying out her version of events, she and Kookie took a cab to his condo in Marina Bay, the kind of luxury development that attracted athletes and high rollers, and judging from the place—a sprawling duplex with a Jacuzzi in the bedroom, mirrors that covered the walls and ceiling, and a skyline view of Boston—the man fit right in. The girl stood at the corner of the bed as Kookie and the man removed their clothes and put them on the floor. On the television, the girl could hear newscasters prattling on about earthquakes in California. Watching the two of them have sex, as she had been instructed to do, was awkward. At some point, the girl later told police, he called her over. He wanted her to have sex with Kookie while he watched. He also wanted to have sex with her.

She was scared—mostly, she later told police, because this was not the plan she and Kookie had discussed, but also because he was so old. "It's okay," he told her. He didn't force her. She didn't say no. According to police, Kookie held her hand, the older girl giving the younger a look as if to say, "It will all be over soon." And it was. He ejaculated on her shirt, which she later threw away. Then he put on his pants, walked to the bathroom, and returned with \$200 in cash for each of them.

According to a police affidavit based on an interview with the girl, she went back to 1001 Marina Drive about once a week after that—sometimes more, sometimes less, but never with Kookie. The man never used a condom. Each time, he would give her money from a black wallet—anywhere from \$70 to \$230. He never talked about why he was giving her the money—"that's just how it always was," she told police—and no matter how much he gave her, she would not complain, even if she was disappointed.

The man's lawyer denies all of the allegations, and characterizes her detailed descriptions of repeated sexual encounters with his client as complete works of fiction.

The man, the girl admitted in her interview with police, was not unkind. He'd take her out to restaurants in Marina Bay. Once, when she'd run away from home, he gave her \$500, and then \$500 more. He said she was welcome to stay at his place whenever she liked, though she never took him up on the offer. He let her use his credit card to shop online, and she'd spend as much as \$1,500 at a time, not as compensation, but because, she said, William O'Connell, the powerful developer who'd helped remake the town of Quincy, simply "wanted to take care of her."

As the clock neared midnight on December 12, 2009, Joseph Fasano and Jennifer Bynarowicz were headed home to Quincy. They had spent the night out in Milton, where they'd been celebrating the birthday of Fasano's mother. The two had been dating for a while, and lived together in a Quincy condo rented by Bynarowicz, a pretty 34-year-old. Fasano, 30, was a Milton firefighter and former Marine who'd served in Pakistan and Afghanistan. He had a wide face, a thick neck, and a bit of a dark side.

After a drink or two at the Dorchester bar Peggy O'Neil's and two stops for gas and cigarettes, Fasano drove Bynarowicz's Jeep Grand Cherokee along Hancock Street in Quincy, nearing home. As he approached the intersection with Commander Shea Boulevard, a dark-colored Porsche cut in front of him; Fasano later told police that he responded by tailgating the car until the driver of the Porsche suddenly slammed on his brakes and stopped right there, in the middle of Commander Shea.

Fasano pulled over and got out to confront the driver. He'd had a few drinks that night and was the kind of guy who was easily agitated, anyway. Bynarowicz, who stayed in the Jeep, watched as the driver of the Porsche also stepped out of his car. He was a white man wearing a black knit cap. Within seconds, she later told police, she heard a popping sound and saw the Porsche speed away. She got out of her Jeep, found Fasano lying in the street, and screamed. He was bleeding from his abdomen. "I've been shot," he said. Police arrived to find Fasano being treated by EMTs, Bynarowicz hysterical, and cocaine and a couple hundred dollars sitting on the floor of the Jeep. According to an incident report later filed in court, when police asked Fasano if the shooting had anything to do with the drugs and the cash, he remained silent. They didn't press. They thought he was dying.

It didn't take long for the cops to track down the driver of the Porsche. A camera at Central Ave. Auto Service just down the street captured the car leaving the scene of the shooting and heading in the direction of Marina Bay, less than two miles away. Security cameras in the garage at 2001 Marina Bay had filmed a dark Porsche pulling into space number 20, registered to Robert O'Connell, the 40-year-old nephew of William O'Connell. The building concierge confirmed the car belonged to

Robert and identified him as the man shown on the garage video exiting the car.

A quick police check revealed that Robert had a license to carry firearms, and owned a total of four guns, including two Smith & Wesson .45-caliber handguns. A .45-caliber shell casing had been recovered at the scene. Three days after the shooting, Robert turned himself in and gave police permission to search his car. They discovered gunpowder residue as well as a can of triple-action defense spray. At his condo they found the two Smith & Wessons and ammunition that matched the bullet doctors had removed from Joseph Fasano's upper abdomen at Boston Medical Center. Fasano, who underwent multiple surgeries, remained in the hospital for nearly a week.

Before tracking down Robert, the police had labeled the whole thing a random act of road rage. "I would say this is probably fairly common," Jeffrey Burrell, a Quincy police lieutenant, told reporters the day after the shooting. "This seems to be the way people drive now."

The rags-to-riches ascent of William O'Connell and younger brother Peter has become something of a South Shore legend. They came from modest means—their dad was a milkman and their mom worked nights at a factory—and bought their first piece of land in 1958 with \$450 that Peter earned from selling newspapers at Quincy's Fore River Shipyard. In 1969, when William was 30 and Peter 26, the pair cofounded their development company. Their first project was a six-unit apartment building on that original lot.

Over the years, Peter and William O'Connell worked tirelessly and equally hard to class up Quincy, the geographic and socioeconomic pit stop between Dorchester and Braintree. O'Connell Management Company, which in later years grew to include Peter's sons, Thomas and Robert, developed dozens of high-profile residential and office buildings, including the World Trade Center in Boston; Quincy's Louisburg Square South; the nationally recognized Granite Links Golf Club in Quincy; and additional properties in Colorado, Florida, and overseas.

The brothers' signature project, though, was Marina Bay in Quincy, which featured restaurants, shops, offices, and the region's largest private

marina. First developed in the '80s, the place became known as a celebrity haven, the "Nantucket of Boston"—home to boldface residents such as Tom Brady, Chet Curtis, and a host of other media types and athletes, some of whom became close friends with the O'Connells. During Peter's ill-fated 1989 run for Quincy mayor, his personal friend Ted Kennedy was out there stumping for him. Former Cardinal Bernard Law was reportedly a passenger on an O'Connell family private plane.

Few high-end real estate developers get into the business to make friends, and it's true that many O'Connell projects have faced opposition from politicians, environmentalists, and various other groups, but the family has for the most part been liked and respected. "They helped build Quincy," Peter Forman, South Shore Chamber of Commerce president and CEO, has said. "[The family is] very much a part of the community." As kids, the brothers passed out campaign fliers for Arthur Tobin, a former Quincy mayor who now serves as clerk magistrate of the city's district court. Former Quincy mayor Walter Hannon Jr. partnered with the O'Connells in the development of Granite Links. And over the years, the O'Connells have given thousands of dollars to local candidates, including former U.S. Representative William Delahunt (who lives at Marina Bay), former state Treasurer Tim Cahill, and current Norfolk County District Attorney Michael Morrissey. The brothers, it seems, were strategic in their donations; their close ties to so many local leaders didn't exactly hurt their development projects.

While Peter was the conservative brother, the one with a stable family life and a name that tended to appear in the papers only in connection with the family's various projects, William was never a man people might describe as upstanding. He was a workaholic, but high-profile trouble seemed to swirl around him. In 1990, his 29-year-old son, Matthew "Ky" O'Connell, was convicted of second-degree murder for killing 22-year-old Julie Hamilton, a friend of a friend. Her body was found in a shallow grave near the house Ky shared with his mother, Mary McLain. During the trial, McLain testified that as a child Ky had frequently set fires and ripped apart his teddy bears. The night of the murder, she remembered, he'd woken her three times to ask where she kept a pick and shovel. Ky was sentenced to life in prison, but was eventually transferred to Bridgewater State Hospital, a facility for convicts in need of psychiatric care.

Then, in 2002, William was charged in the accidental death of his longtime best friend, Bill Sanderson, a South Shore real estate agent. During a Fourth of July celebration, Sanderson was struck by the propeller of William's boat, which had been

EVEN BY THE STANDARDS OF HIS CHECKERED PAST, THE CHARGES OF CHILD RAPE AND DRUG TRAFFICKING WERE SHOCKING.

anchored illegally in shallow water off Martha's Vineyard. Peter O'Connell rode to the hospital with Sanderson, holding the dying man. William O'Connell left the scene, later claiming he was simply looking for a safe place to dock, but once on land he refused to take a police Breathalyzer test. Sanderson's widow, Donna, asked the judge for leniency. William was put on six months' pretrial probation on the negligent homicide charge and received a 120-day suspension of his driver's license, and the case was dismissed.

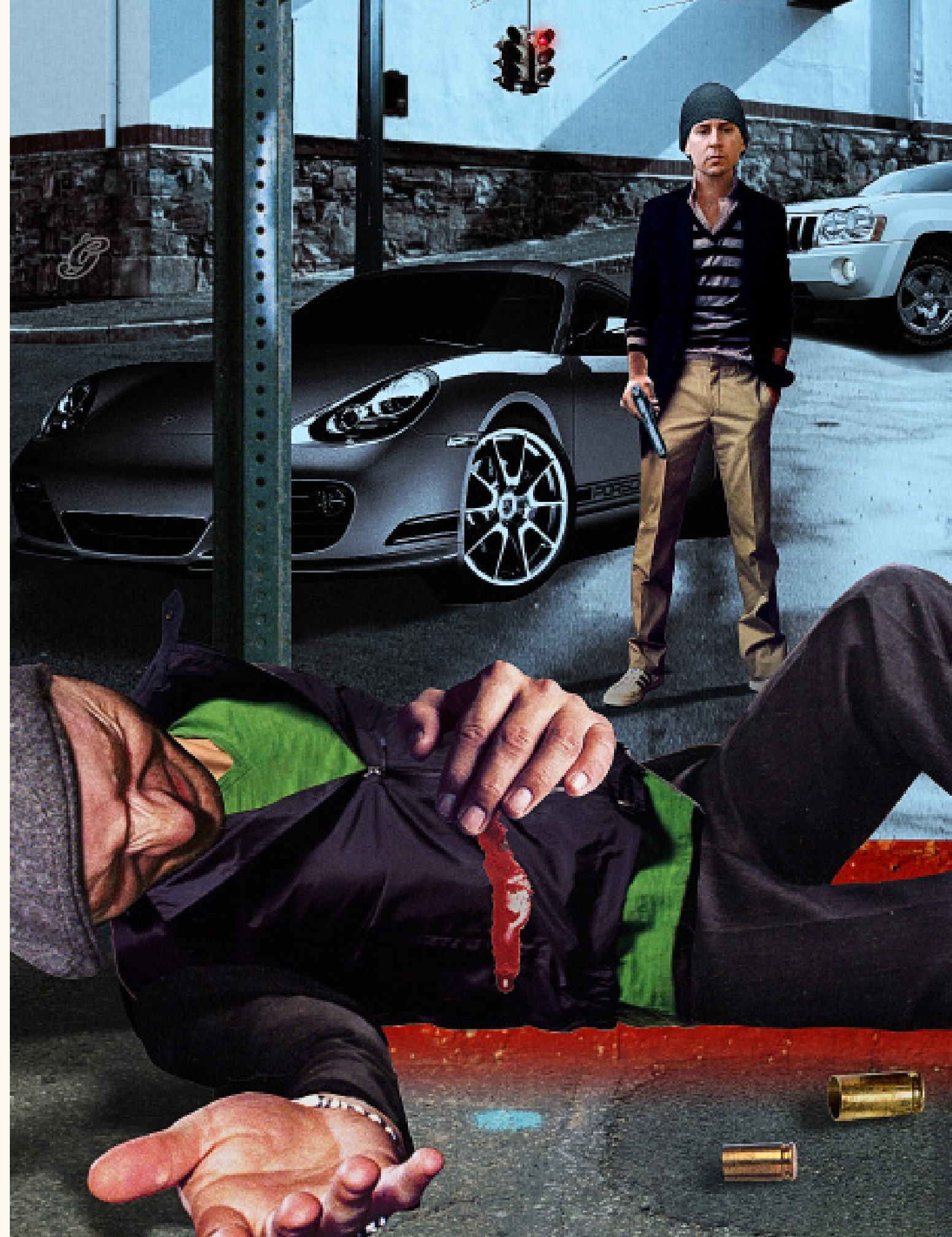
William O'Connell was regarded in some circles as a womanizer and party boy with a destructive nature. Six years later he was involved in a private-helicopter crash with two New Hampshire women in their early twenties.

And so by the time news of William's most recent troubles surfaced in May of this year, people were well used to hearing about his assorted transgressions. But even by the standards of his checkered past, the allegations in his latest mogul-gone-wild episode—charges of child rape and drug trafficking—were shocking.

According to police, Robert O'Connell shot Joseph Fasano in the middle of a Quincy street after a traffic altercation. O'Connell's lawyers say the shooting was an act of self-defense.

ILLUSTRATION BY EDDIE GUY

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THE O'CONNELLS

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The girl, now 15, returned home in October 2010. For a year now, her mother had noticed her daughter's expensive clothing, the new cell phones, her increasingly troubled mood. But whenever she was confronted, the girl denied that anything was wrong.

She finally shared her secret with a friend, and then, in March of this year, with the police. She told them of the past two years, of the fancy condo and the numerous times she'd been given cash and had sex with William O'Connell and—at his direction—several others. She also told police that William kept a metal safe in the back of a closet at his Marina Bay condo. State police searched the residence on March 31. According to police, the safe turned out to contain 18.49 grams of cocaine—enough for prosecutors to charge William with felony trafficking. The authorities also tracked down and arrested Kookie, who was identified as 21-year-old Phyllis Capuano of Everett.

O'Connell's lawyer, Stephen Delinsky, lays out a very different story from the one the girl tells. He insists that the whole thing was a setup: Bill—a man who liked to help people—was being extorted. “When the facts are revealed, it will become apparent to everybody that [William] is the victim of malicious lies,” Delinsky says. “Mr. O'Connell was the victim of extortion. He never had any physical relationship with this woman. The allegations are made up.” In Delinsky's mind, the case has classist undertones. He cites what he calls similar cases in which prominent defendants—including members of the Duke lacrosse team and, more recently, French economist and politician Dominique Strauss-Kahn—were wrongly accused of sexual misconduct. Delinsky won't comment on how his client and the girl were introduced. “The extortion is a very complicated story and I can't reveal everything, but there are clear motives for this woman to come forward the way she did,” he says.

“Mr. O'Connell has helped a lot of people. To help somebody is not a crime.”

Sexual assault cases often come down to one person's word against another's, the classic he said, she said. In such cases, guilt or innocence often turns on credibility. “This is not the first case that will go to trial in which one side accuses the other of a shakedown,” says David Frank, a former Suffolk County assistant DA. “Clearly the defendant in this case has a lot of money and so has grounds to make that sort of an argument, but if the defense is going to suggest that this is nothing more than an extortion attempt, they're certainly going to have to have the evidence to back that up.” If the girl's motive in coming forward was money, Frank says, that could raise questions about her credibility. But if the prosecution can show beyond reasonable doubt that statutory rape occurred, it may not matter. “At the end of the day,” he says, “the law does not allow an adult to have sex with a minor under any circumstance.”

In the days after the shooting, as he lay in critical condition at Boston Medical Center, news reports painted Milton firefighter Joseph Fasano as a kind of hero. He was a veteran, a public servant, and the victim of a senseless crime.

But then a more complicated picture began to emerge as subsequent stories detailed an alcohol-fueled domestic violence dispute in his past, a baby daughter who'd died accidentally, and a case of post-traumatic stress disorder for which he'd taken medication off and on for years. In 2007, it turned out, police had been called to the Weymouth apartment he shared with an ex. According to the official police report, they found a drunken Fasano “screaming and yelling at the top of his lungs,” with the apartment in shambles: shattered glass, an upended coffee table, parts of the ceiling on the floor. While at Boston Medical Center, Fasano admitted that, on the night of the shooting, he'd snorted coke earlier that evening.

Robert O'Connell, meanwhile, showed up in court sporting a baby-blue sweater, khaki pants, and a deer-in-headlights look. He was eventually indicted for assault with

intent to murder and assault and battery with a dangerous weapon. After pleading innocent to all charges, he was released on \$500,000 bail, but was forced to wear an electronic monitoring bracelet and to restrict his travel to his lawyer's office and his mother's house. His case is likely to go to trial in the spring. If convicted on all charges, he could face 35 years in prison.

In court, Robert seemed as genuinely mild-mannered as his attorneys had set out to portray him to be. He'd led a moderately ordinary, if privileged, 40 years, graduating from Stonehill College with an economics degree and working at State Street Corporation before joining the family business. Aside from a few speeding tickets in the '90s, his record was squeaky clean. In 2006, he'd suffered a brain aneurysm that forced him to take a smaller role in O'Connell Management. This was no hard-bodied alpha male. That night in December, he'd been coming home from dinner with friends; he was, in general, described as a homebody who not long ago had lived with his mother. “He's frail,” Peter, his father, told a judge at one point. “You wouldn't classify him as a tough guy.”

Robert's attorneys have been busy characterizing Fasano as a short-tempered monster with considerable mental health issues exacerbated by consistent drug use. “Robert acted legally in self-defense when he was confronted on the street that night,” says his high-powered Quincy lawyer, William Sullivan, who is also representing Nathaniel Fujita, the Wayland teen accused of murdering his former high school girlfriend this summer. In June, Sullivan filed a motion to subpoena phone records from the night of the incident, hoping to prove that Fasano bought, or sought to buy, drugs at least once in the hours before the shooting. At 3:23 p.m. that day, according to an affidavit Sullivan filed in court, Fasano texted a pal named “Jimmy,” asking if he had any “boxos,” a street name for Suboxone, a prescription drug that can produce a heroinlike high. Texts exchanged later that evening between Fasano and a guy named “Tweeze” suggest that Fasano may have scored drugs as late as 11:39 p.m., approximately 10 minutes before he was shot—though Fasano's hospital records show he admitted only to using alcohol and cocaine the night of the incident. **CONTINUED ON PAGE 118**

Still, plenty of questions remain: What prompted Robert to allegedly jam his brakes in front of a Jeep and then stop the Porsche in the middle of the street in the first place? And if he fired in self-defense, why did he flee the scene so quickly, without reporting the confrontation?

“The fact is that an unarmed man on a Quincy street was shot by a man who left the scene and was not found for several days—so the self-defense claim would not appear to be very viable,” says Ben Zimmerman, Fasano’s attorney in a civil suit that will be filed following the outcome of the criminal case. “The question is, Can someone, no matter how influential or whatever their station in life may be, shoot someone in the street, and leave, and get away with it?” Zimmerman went on to say that “Not only did [Fasano] get shot with a .45-caliber handgun and lose half his liver, but he’s also had to endure having his private life exposed and his name brought out in ways that it probably shouldn’t have been. His life is very different than it was.”

Indeed, Fasano has had a swift undoing. In May 2010, just months after Milton’s fire chief, John Grant, had described him to the *Patriot Ledger* as “A very good firefighter, a very well-liked kid,” Fasano was fired for failure to cooperate with an internal investigation and conduct unbecoming a firefighter. He appealed his dismissal to the state Civil Service Commission, but was denied. He’s currently unemployed.

There’s been plenty of speculation about whether the two O’Connell cases are in any way linked.

Consider first the woman who was in the Jeep with Fasano, his girlfriend Jennifer Bynarowicz. Both she and Robert have said that they do not know each other. On the night Fasano was shot, in fact, Bynarowicz told police she had never before seen the shooter, and couldn’t identify him even if she were shown photos. Perhaps that’s

“I HONESTLY HAVE NO IDEA IF THE TWO CASES ARE CONNECTED,” SAYS THE PROSECUTOR ASSIGNED TO BOTH. “BUT AM I CURIOUS? YOU BET.”

so, but it seems odd considering that William O’Connell was Bynarowicz’s landlord—and that, according to some media reports, she and William had dated for as long as 10 years.

As for the cocaine found inside the Jeep, police say Bynarowicz told them that the drugs were hers—“I’ve been drinking, I’ve been partying,” she said. When police asked her where she’d gotten the coke, she began to cry and said, “That has nothing to do with it.... You don’t believe me.” (Bynarowicz, who has not been charged in connection with the incident, did not respond to requests for comment.)

Sullivan, Robert’s attorney, wouldn’t comment on whether there could be a connection between Robert’s and William’s cases, but does say there’s no indication that there was any relationship between Robert and Fasano specifically. Zimmerman maintains that the two men barely even had a chance to exchange words during the altercation, which could create doubt about whether Robert acted in self-defense, and could raise questions about the nature of their dispute. Prosecutor Andrew DiCarlo Berman—a private-practice attorney who was assigned to prosecute both cases because the O’Connell family has made past campaign donations to Norfolk District Attorney Michael Morrissey—sees the cases of the wayward O’Connells as clear-cut and entirely separate: One man’s up for statutory rape, another for attempted murder. “I honestly have no idea if the two cases are connected; for my

purposes they are not,” he says. “But am I curious? You bet.”

In September, William was arraigned in Norfolk Superior Court on charges including four counts of statutory rape, one count of cocaine trafficking, and two counts of committing an unnatural and lascivious act with a child under 16. Statutory rape convictions carry a minimum sentence of 10 years per charge. (William pleaded not guilty to all charges.) He retains a prominent role in three other development corporations—O’Connell Denver Properties Inc., Seaport Aviation Inc., and Seaview Real Estate Inc.—and, pending trial, is allowed to travel to Florida, Colorado, and New York for business, though he must submit to regular drug screenings and cannot have unsupervised contact with children under 16, with the exception of his grandchildren. Capuano, meanwhile, was arraigned for rape of a child, among other charges, and pleaded not guilty. Both cases are pending.

At the same time, Peter O’Connell has tried to keep the family business from being dragged through the muck along with the reputations of his brother and his son. In a letter that went out in May to members and shareholders of the Granite Links Golf Club, Peter announced that William had resigned from his position as president, treasurer, and director of Quarry Hills Associates, the parent company of the golf club. “We wanted you to hear this first from us,” wrote Peter, “because that’s how families treat each other.” **B**