



“Judge in Bulger case refuses to step aside”

McNabb Associates, P.C. (Federal Criminal Defense Lawyers)

Submitted at 10:09 AM October 29, 2012

The Boston Globe on October 29, 2012 released the following:

“Lawyer says he will be called as witness
By Travis Andersen

For the second time in less than four months, the federal judge slated to preside over James “Whitey” Bulger’s criminal trial has denied a request from Bulger’s lawyer to recuse himself from the case.

In a three-page ruling issued on Sunday, US District Court Judge Richard G. Stearns wrote that the latest motion for recusal, which Bulger’s lead attorney filed last week, “raises no new issues of material fact or law.”

“When [Bulger’s] case was randomly assigned to me in 1999, it became my duty to see it through fairly and expeditiously, and that is the duty I will faithfully execute,” Stearns wrote.

Bulger’s lead attorney, J.W. Carney Jr., declined to comment on Sunday.

Carney had written in last week’s motion that Stearns, a former federal prosecutor in Boston, must step aside from the case in part because the lawyer intends to call him as a witness at trial.

In the same motion, Carney argued that Bulger was granted immunity to commit crimes by the late Jeremiah O’Sullivan, a former federal prosecutor who led the New England Organized Crime Strike Force before being appointed interim US attorney in Boston in 1989.

In testimony to Congress in 2002, O’Sullivan, who died in 2009, denied ever protecting Bulger from prosecution for serious crimes.

U.S. v. Lin, et al.

(Antitrust Division: Upcoming Public Hearings)

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Motion Hearing (Shiu Lung Leung and Steven Leung) has been scheduled for October 30, 2012 at 10:00 a.m. Pacific

Alex J. Turner Named Assistant Director of Security Division

fbi (Current)

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— Washington, D.C.

Carney wrote that Stearns and current FBI director Robert Mueller, both former high-ranking federal prosecutors in the Boston office, did not target Bulger during their tenures, which Carney said presents circumstantial evidence of an immunity agreement.

The FBI has declined to comment on the case.

In Sunday’s ruling, Stearns wrote that there is no connection between the Organized Crime Strike Force and his tenure as chief of the Criminal Division in the US attorney’s office.

“Nor is the court persuaded by defendant’s declaration that he might attempt to summons the undersigned judge” as a witness, Stearns wrote. “As the court has previously pointed out to counsel, a witness is only properly summoned to testify if he or she has something of relevance to say on a material issue.”

The judge also took a swipe at Bulger’s efforts to delay his long-awaited trial, which is currently slated for March. He is charged in a sweeping indictment with participating in 19 murders, among other crimes.

“Defendant undoubtedly prefers not to be tried on the schedule set by the court, or not to be tried at all,” Stearns wrote. “But like [former associates] Kevin Weeks, Kevin O’Neil, Stephen Flemmi, and Michael Flemmi, all of whom have appeared as defendants before me in this case, James Bulger’s case will be adjudicated by the rules of the court, and not the contrary wishes of defendant or defendant’s counsel.”

A hearing on Carney’s separate motion to

FBI Releases 2011 Crime Statistics

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— Washington, D.C.

delay the trial until November is scheduled for Thursday in federal court in Boston.

He has argued that prosecutors have not met their obligation to turn over reams of evidence to the defense team in an organized fashion, which the government lawyers have adamantly denied.”

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