

CONNICK NOVEMBER 'Show-Biz' — Marullo

By RUSSELL GOODMAN

8/4/79

Orleans Parish District Attorney Harry Connick has been accused of "show-biz public relations" for waiting 16 days after Gordon Novel's appeal bond was set to request that it be increased.

Criminal District Court Judge Frank A. Marullo Jr. questioned Friday why Connick would want the bond on Novel hiked to \$100,000 considering the defendant is eligible now for parole and lacks about six months being released on "good time."

Marullo, who presided over the state's third attempt to convict the 40-year-old defendant of conspiracy to commit aggravated arson, sentenced Novel Jan. 29 to three years in Angola. July 16 the judge set Novel's appeal bond at \$25,000, which an assistant district attorney objected to as being too low.

The minute clerk's entries in Novel's voluminous file, however, do not reflect any intention of the state to ask Marullo to stay execution of the bond until prosecutors could lodge complaints in the state Supreme Court.

That body could order a hearing to reconsider the amount of the bond or could suggest an appropriate bond and remand the case to Marullo, the trial judge.

Alternatively, Connick's office could have requested that Marullo rethink the matter during the four days it took Novel to make the bond. But, the clerk of court's files indicate that Connick's

office ultimately waited 16 days after the bond was set and 12 days after Novel made the bond to raise objections.

"This is all show-biz public relations for Harry Connick," Marullo said Friday. "That's all it is. Another public relations attempt by Mr. Connick." Attempts to reach the district attorney Friday were unsuccessful. Spokeswomen for Connick said he was "out of the building," and then later, "he's tied up."

Novel, convicted of masterminding a plot to firebomb the former Federation of Churches Building in the 300 Gras 1976, has served 13 months and 23 days in jail since his arrest, according to Parish Prison records.

That means the defendant is eligible to seek parole now, having served more than one-third of his three-year sentence. Marullo already has denied him a new trial.

Because Novel was sentenced to Angola, where defendants convicted of certain crimes may earn "good time," he also could seek an automatic release in about six or seven months.

Marullo, who went on vacation July 21, the day after Novel was released, said "Connick waited until I was out of the building to file this thing. He had four days until Novel was released to make his objections to me. It's obvious to me all he wants to do is get some publicity."

Marullo said, "He (Connick) would like Novel to run, so he could get that

\$25,000 or \$100,000," noting that defendants' bond forfeitures go into an account administered by the district attorney.

Connick told The Times-Picayune June 22 the so-called "fines and fees" account, into which forfeitures are deposited, is "over a \$100,000 in debt."

In a related development Friday, a problem cropped up with the motion to increase the bond of Novel.

The motion, submitted Aug. 1 by Assistant District Attorney Marvin Opatowsky, is "not technically filed," according to Criminal District Court Judge Jerome Winsberg, who said Opatowsky failed to follow the rules of court.

Winsberg said he learned through newspaper accounts that the motion is to be heard in his section Tuesday, since Marullo is on vacation.

But Winsberg was never consulted by the district attorney's personnel, he said, nor was the motion submitted to Winsberg's minute clerk, Ray Cuccio. The legal paper, found Friday in Novel's bulging record, bore no markings by or signature of Cuccio.

Winsberg called Opatowsky Friday about the matter and the assistant said, "I filed it," to which the judge responded that he wasn't aware of any

constitutional authority permitting Connick or his subordinates to act as a judge.

The assistant's motion also claimed that Novel was in violation of his bond by listing his address as being in Jefferson Parish. "I told him," Marullo said, "that he could live anywhere in the state he wanted, but he better not leave Louisiana."