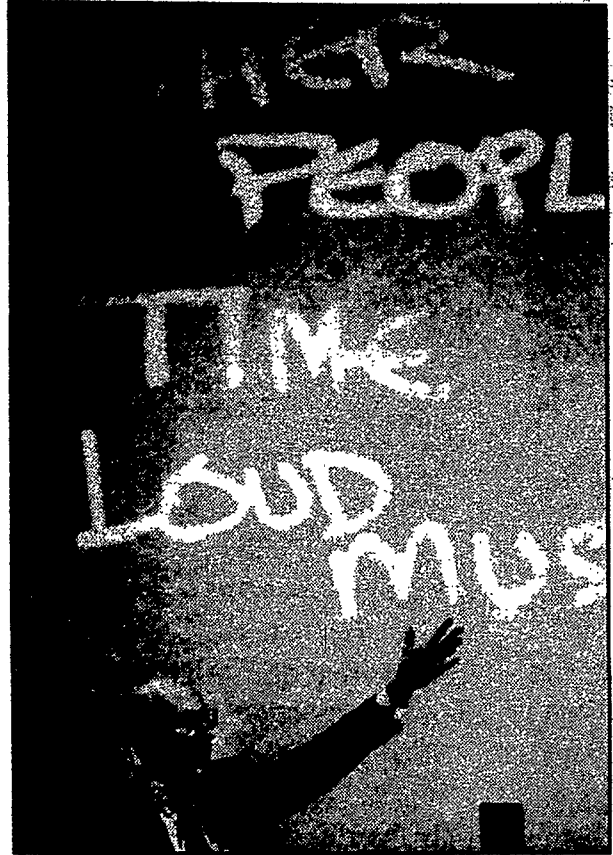


Healing with humor

To commemorate the monthlong observance of National Hospice Month, Visiting Nurse Hospice and The Strong Museum in Rochester sponsored a Nov. 10 program titled, 'The Healing Power of Humor.' The program focused on the therapeutic benefits of humor in helping people deal with grief.



Allen Klein (above), a nationally recognized author and 'Jolly-tologist,' asks the audience for daily factors that can cause stress.



(From left) Connie O'Dell, Allison Cubitt, and Judy English of Independent Living For Seniors in Irondequoit, hold their noses and each other's ears as Allen Klein leads participants in a humor pledge at his hilarious presentation's conclusion.

S. John Wilkin/Staff Photographer

Judge dismisses charges; ex-cop testifies

By Rob Cullivan
Staff writer

ROCHESTER — Dealing a severe blow to the prosecution's case, Federal Judge David G. Larimer dismissed two charges against two defendants — and a single charge against a third — in the Brink's trial last week.

Meanwhile, the trial also saw its first testimony by defense witnesses, including Thomas F. O'Connor, the former Brink's employee charged in connection with the crime. In essence, O'Connor testified that he was too smart to rob the depot in the manner the prosecution maintains.

Four men are being tried in U.S. District Court in the Kenneth B. Keating Federal Building, 100 State St., for their alleged involvement in the Jan. 5, 1993, heist of \$7.4 million from the Brink's armored car depot on South Avenue.

On Wednesday morning, Nov. 9, Judge Larimer dismissed "Count 4" in the U.S. government's indictment charging possession of stolen money in interstate commerce by O'Connor, of Rochester, and New York City residents Samuel Ignatius Millar and Father Patrick Moloney, a Melkite priest.

In announcing his decision, Larimer

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maintained that the prosecution had failed to prove that the stolen money had moved in interstate commerce.

Larimer also dismissed "Count 5" charging Millar and Father Moloney with possession of stolen money on the grounds that the evidence gathered against the

pair was uncovered in New York City.

Rochester is part of the Western District of New York's federal court system, while New York City belongs to the Southern District, the judge explained. The U.S. constitution and several court decisions have upheld the right of defendants to be tried in venue — the locality in which a crime took place, he noted.

"In my view, the robbers' acts don't force Moloney and Millar to be tried here," he said.

Larimer added that some may view as too technical his decision to drop this count against the defendants, but he emphasized that the right of venue is deeply rooted in U.S. law and is seriously respected by the courts.

"One man's view of a technicality is another man's constitutional right," Larimer concluded.

Both decisions had come in response to dismissal motions made Nov. 8 by all four defense attorneys. Prose-

cutors had rested their case against the four defendants earlier that day.

The decision on Count 5 proved not to be a total loss for the prosecution since Larimer allowed the count to stand against O'Connor since he resides in the Rochester area. A retired Rochester police officer and former Brink's guard, O'Connor was allegedly the inside man in the robbery, according to prosecutors. O'Connor has consistently denied any involvement in the heist.

Jon Feldman, one of Father Moloney's two defense attorneys, praised Larimer's decision and noted that it bolstered the defense's prospects for acquittals in the long trial.

"The meat of the government's case is gone," Feldman remarked.

Despite the defense victory, all four defendants, including New York City resident Charles M. McCormick, still face "Count 3," which charges them with conspiracy to receive and possess stolen goods. Counts 1 and 2 — both robbery counts — deal only with O'Connor.

Although defense attorneys questioned how Count 3 could continue to stand against Millar and Father Moloney after 4 and 5 had been thrown out, Larimer argued that previous court rulings had allowed the

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Effort begins to find kidney for N. Chili boy

NORTH CHILI — The family of St. Christopher's Church parishioner Dillon Gonzales, a 9-month-old boy in desperate need of a kidney transplant, has launched a campaign to raise \$100,000 to pay for the transplant and other medical expenses.

Dillon, who was born with a blockage in his urethra, has suffered permanent damage to his kidneys. Although his prognosis is poor without a transplant, his condition would improve dramatically with the operation, according to information from the Children's Organ Transplant Association, Inc.

COTA, a federally recognized charity based in Bloomington, Ind., helps families and communities with fundraising campaigns for transplants and related medical expenses. Mike Miller, a spokesman for COTA, explained that the organization raises its own funds for administrative expenses separately so that 100 percent of all funds raised for Dillon will go directly to his transplant operation.

COTA Nov. 1 kicked off the campaign's organizational meeting at St. Christopher's Church, 3350 Union St. Miller said about 35 volunteers attended the meeting. Among other things, volunteers will go out and place donation cans on Dillon's behalf throughout the Monroe County area.

Donations to Dillon's transplant campaign are tax-deductible. Checks or money orders made payable to "COTA FOR DILLON" should be mailed to: Fleet Bank, 38 S. Main St., Churchville, N.Y. 14428, or made out in person at any branch location. Please write the account number "9383959120" in the memo space.

For information on the campaign, call Dennis Schulmerich at 716/889-8454. For information on COTA, write to the organization at 2501 COTA Drive, Bloomington, Ind. 47403, or call 1-812/336-8872 or 1-800-366-2682.

Rochester pastor faces civil imprisonment claim

By Rob Cullivan
Staff writer

ROCHESTER — Father James B. Callan, pastor of Corpus Christi Church, is facing a civil claim of false imprisonment, stemming from an incident that took place at the city parish in February, 1992.

The incident occurred the evening of Feb. 6, when the church was hosting a public meeting to inaugurate the parish's ministry to gays and lesbians.

According to Father Callan, Joseph J. Murray showed up at the meeting and began audiotaping what people were saying at the meeting.

When participants discovered that Murray was taping the gathering, Father Callan asked Murray to stop taping and he did so, the priest said.

Following the meeting, the priest recalled that he told Murray, "You're not leaving until you give me that tape."

The two men then proceeded to an office where Father Callan claimed they

spent several hours talking. Murray eventually turned the tape over to Father Callan, the priest said, adding that at about 3 a.m. he escorted Murray back to his car in the church's parking lot.

Father Callan maintained that several church staff members would testify that Murray was free to go at any time during the course of the discussion.

The pastor added that when he told Murray "you're not leaving," he meant that, as a good Christian, Murray should

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