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01 SUPERIOR COURT - JUVENILE MATTERS
02 JUDICIAL DISTRICT OF NORWALK STAMFORD
03 AT STAMFORD
04 STATE OF CONNECTICUT
05 -----x
06 STATE OF CONNECTICUT,
07
08 Plaintiff, Case No. F01-00DD-01028-0
09 Date: June 20, 2000
10 vs.
11
12 MICHAEL SKAKEL,
13
14 Defendant.
15 -----x

16
17 BEFORE THE HONORABLE MAUREEN DENNIS, JUDGE
18

19 A P P E A R A N C E S :

20
21 JONATHAN BENEDICT, ESQUIRE
22 MATTHEW COULOUTE, ESQUIRE
23 Attorneys for the State
24

25 MICHAEL SHERMAN, ESQUIRE
26 JASON THRONE, ESQUIRE
27 Attorneys for the Defendant

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01 THE COURT: We are here today on the matter of
02 Michael Skakel and let's begin with the identifications,
03 please, beginning over here.

04 MR. GARR: Inspector Frank Garr, Connecticut State
05 Attorney's Office.

06 MR. COULOUTE: Matthew Couloute, Assistant State's
07 Attorney from Bridgeport.

08 MR. BENEDICT: Jonathan Benedict, Assistant
09 State's Attorney.

10 MR. SHERMAN: Michael Sherman representing
11 Michael Skakel.

12 MR. SKAKEL: Michael Skakel.

13 MR. THRONE: Jason Throne with Michael Sherman.

14 THE COURT: We are here to begin the reasonable
15 cause hearing under the statute. Attorney Benedict, do
16 you wish to call your first witness?

17 MR. SHERMAN: Your Honor, a couple of things just
18 before and I am not going to delay anything.

19 Your Honor, I filed a couple of motions, for
20 the record, a motion for dismissal and discovery
21 motion. I do not expect them to be argued or heard at
22 this time or frankly before this hearing but I wanted to
23 have them filed when we started this hearing. I gave
24 copies to the State's Attorney as well. They can be
25 dealt with at whatever appropriate time the Court feels
26 is right.

27 The second thing is I would make the

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01 customary motion to sequester any witnesses that may
02 testify in this matter however I would exempt from any
03 such order any member of the Moxley family who wish to
04 stay here. I have no desire to exclude them from the
05 Courtroom at any time.

06 Any other witnesses whom the State intends
07 to call during this hearing, I would ask that they be
08 instructed not to be in the Courtroom and also not to
09 discuss their testimony or anyone else's.

10 THE COURT: Attorney Benedict.

11 MR. BENEDICT: The State will join although it may
12 well not in this proceeding apply to defense witnesses
13 but we would join in the motion.

14 THE COURT: Are there currently any witnesses,
15 anyone who might be a witness for either side in the
16 Courtroom?

17 MR. BENEDICT: Only the single person that --
18 person that counsel has already exempted from its
19 motion.

20 THE COURT: Attorney Sherman, any potential
21 witnesses of yours in the Courtroom?

22 MR. SHERMAN: No, Your Honor. I will police the
23 Court as we proceed. If that happens, I will let the
24 Court know.

25 THE COURT: Your first witness, Attorney
26 Benedict?

27 (Brief pause.)

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01 THE COURT: I have been informed by our Trial
02 Court Administrator that I and you need to keep your
03 voices up. Apparently the acoustics in this Courtroom
04 are not that great.

05 Are you able to hear me now, Attorney Murphy?

06 MS. MURPHY: Yes, Your Honor. Thank you.

07 THE COURT: Would you swear the witness in,
08 please?

09 SHEILA MC GUIRE,
10 having been first duly sworn, testified as follows:

11 THE CLERK: Please have a seat and state your name
12 and address for the record, Ma'am.

13 THE WITNESS: My name is Sheila McGuire,
14 M-C-G-U-I-R-E. I live at 50 Black Rock Turnpike,
15 Redding, Connecticut, 06896.

16 THE COURT: You may proceed.

17 MR. BENEDICT: Thank you, Your Honor.

18 DIRECT EXAMINATION BY MR. BENEDICT:

19 Q Mrs. Birkner (ph), I would like to take you
20 back to the month of October and the year of 1975 and ask
21 you where you then lived.

22 THE COURT: Excuse me, Attorney Benedict. She
23 indicated she was Sheila McGuire.

24 THE WITNESS: I am since divorced. I apologize.
25 Your question?

26 BY MR. BENEDICT:

27 Q Where did you live in October of 1975?

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01 A 13 Field Point Drive.

02 Q That would be in what town?
03 A Greenwich, Connecticut.
04 Q In October of 1975, you were approximately how
05 old?
06 A 15.
07 Q At that time, did you know a young woman named
08 Martha Moxley?
09 A Yes, I did.
10 Q And, approximately how old was Martha Moxley in
11 October of 1975?
12 A 15.
13 Q This is a hearing that involves an alleged murder
14 of Martha Moxley on the night of October 30, 31, 1975.
15 When is the last time you saw Martha Moxley?
16 A On the 30th, October 30.
17 Q You weren't here when we were asked. Could you
18 speak up. There doesn't seem to be a microphone. I guess
19 people throughout the Courtroom have to hear you.
20 A On the afternoon of October 30.
21 Q Do you recall was October 30 a school day?
22 A To the best of my recollection, yes, it was a
23 school day.
24 Q Did you go to the same school as Ms. Moxley or a
25 different school?
26 A Yes, same school.
27 Q That was what school?
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01 A Greenwich High School.
02 Q And, you were in what grade at that time?
03 A I was a junior.
04 Q And, whereabouts were you on October 30, 1975
05 when you were in the presence of Martha Moxley?
06 A We were at her next door neighbor's house on Walsh
07 Lane.
08 Q And, for about how long were you with her?
09 A I would say it was about half hour, 45 minutes.
10 Q And, do you recall whether or not there was
11 anybody else with the two of you during that 30 to 45
12 minute period of time?
13 A It was just Martha and I.
14 Q Did you and Martha make any plans to be with one
15 another at any further point that night?
16 A Not that night.
17 Q Later on that night, October 30, 31, 1975, did you
18 become aware of the fact that Martha Moxley was missing?
19 A Yes.
20 Q Approximately what time did you become aware of
21 that fact?
22 A It was about two, 2:30 in the morning, I guess it
23 would be the 31st.
24 Q You were where at that time?
25 A I was asleep in my bed.
26 Q How did you become aware of the idea of Martha
27 Moxley being missing?
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01 A My mother knocked on my door and woke me and asked
02 me if I knew where Martha was, that she hadn't come home.

03 Q Your mother asked you where she was. Would you
04 repeat the last of the answer? I didn't hear it.
05 A She asked me if I knew where Martha was, Martha
06 had not come home.
07 Q Did you have any idea where Martha was at that
08 time?
09 A No.
10 Q What, if anything, did you do at that point?
11 A Nothing.
12 Q Did you feel any particular concern at that point?
13 A No, not at all. I figured she was out and she
14 would come home.
15 Q At some point the next morning or that morning,
16 October 31, 1975, did you get up?
17 A Yes.
18 Q And, what if anything had happened as regards
19 Martha Moxley when you got up in the morning of October 31?
20 A Mrs. Moxley had called a second time, early in the
21 morning, and Martha still had not come home. I woke up
22 and at some point called a friend.
23 Q And, at some point --
24 A Called a friend.
25 Q You called a friend?
26 A Yes.
27 Q And, who was the friend that you called?

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01 A Holly Fuchs.
02 Q What was the purpose of you calling Holly Fuchs?
03 A To discuss Martha's missing.
04 Q Did you speak to Holly Fuchs on the phone?
05 A Yes, I did.
06 Q After you spoke to Holly Fuchs on the phone, what
07 did you do?
08 A I think I showered, got dressed and headed out to
09 Holly's house.
10 Q And, where was Holly's house, what street?
11 A It is on Mayo Avenue.
12 Q What route did you take to get to Holly Fuchs'
13 house when you left?
14 A The route I would normally take that I was taking
15 that morning was to go out my back door, cross through the
16 Moxley's, Walsh Lane, the back of the Skakel's and the back
17 yard of the Fuchs' house.
18 Q And, therefore, where in relation to the Moxley
19 home was your home?
20 A The back of my home looks at the back of the
21 Moxley home.
22 Q So, your house fronted on what street, again?
23 A Field Point Drive.
24 Q And, the Moxley home fronted on?
25 A Walsh Lane.
26 MR. BENEDICT: Your Honor, I presume that we are
27 going to use numerical markings for the State exhibits.

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01 THE COURT: That's fine, yes.
02 MR. BENEDICT: It has a marking from a previous
03 proceeding. It needs a mark on for this.

04 THE COURT: Is this being offered as a full
05 exhibit?
06 MR. BENEDICT: Yes.
07 THE COURT: There is no objection?
08 MR. SHERMAN: If you would, just indicate what it
09 is for the record.
10 MR. BENEDICT: It's an aerial map of the
11 neighborhood.
12 MR. SHERMAN: Taken when?
13 MR. BENEDICT: I do not know
14 Let me inquire. I think I can handle the
15 foundation.
16 BY MR. BENEDICT:
17 Q I will show you this. I will hold it right side
18 up for you. I ask you if you recognize, first of all,
19 what it is?
20 A It's a map of Belle Haven.
21 Q And, does it appear to you to be a fair and
22 accurate representation of the street layout as it was back
23 in October, 1975 of Belle Haven?
24 A Yes.
25 Q And, does it also appear to you to be a fair and
26 accurate representation of the individual home, property
27 wise, as it existed back in 1975 and Belle Haven?

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01 A Yeah.
02 Q Does it depict Walsh Lane?
03 A Yes.
04 Q Would you point that out?
05 A It's called Walsh Avenue.
06 Q Walsh Avenue. Does it depict the street that you
07 resided on at that time, Field Point?
08 A Yes.
09 Q Does it depict the location of the Moxley home and
10 your home?
11 A It's an older map. It depicts where my home is
12 but not in its entirety. The property, this is it right
13 here but it is different.
14 Q If you were looking at this map today, could you
15 point out to Her Honor where your home was back in 1975 and
16 where the Moxley home was in 1975?
17 A Yes, this is where.
18 Q Just say you can.
19 A Yes.
20 MR. BENEDICT: I offer it in full.
21 THE COURT: Attorney Sherman?
22 MR. SHERMAN: No objection.
23 THE COURT: Mark it as State's Exhibit 1, full
24 exhibit.
25 Attorney Benedict, would you have the witness
26 now indicate to me --
27 MR. BENEDICT: Yes, I will.

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01 BY MR. BENEDICT:
02 Q I will put this right side up, showing you Exhibit
03 No. 1. You might have to use blue ink, it will do. Would
04 you just put an M in the lot that was the one in which your

05 home was situated back in 1975? Put a circle around it.
06 A Yes.
07 Q Thank you. And, would you put, we have another M,
08 M0, in the location that is particularly on this map of
09 where the Moxley home was located in 1975?
10 A Yes.
11 Q So, you indicated you went out your back door?
12 A Yes.
13 Q And, proceeded into the Moxley yard once you got
14 out of your yard; is that correct?
15 A Once I got out of my yard, I went through the
16 Moxley yard.
17 Q And, as you were heading toward the Moxley yard --
18 why don't you highlight the two markings with this yellow
19 marker.
20 A Yes.
21 Q You were heading towards a residence on Mayo
22 Avenue?
23 A Yes.
24 Q And, just point so Your Honor understands where
25 Mayo Avenue is?
26 A Mayo Avenue is this road here.
27 Q Thank you. As you were passing through -- I am

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01 going to show you another photograph. Would you mark these
02 as two and three, black and white as two, for
03 identification.

04 (Whereupon, the documents were marked for
05 identification.)

06 BY MR. BENEDICT:

07 Q I Show you a photograph that has been marked for
08 identification as two. Do you recognize the residence
09 that is depicted in that photograph?

10 A Yes, I do.

11 Q What is that?

12 A That is the Moxley residence.

13 MR. BENEDICT: Offered in full.

14 THE COURT: Attorney Sherman.

15 MR. SHERMAN: May I just have a moment?

16 (Brief pause.)

17 MR. SHERMAN: No objection.

18 BY MR. BENEDICT:

19 Q As you were proceeding through the Moxley
20 property, did you have occasion to notice anything unusual?

21 A Yes.

22 Q What if anything was that?

23 A What I thought was an egg crate foam mattress at
24 the base of a tree.

25 Q What kind of a tree was that?

26 A A pine tree.

27 Q Was it a large one or a small one?

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01 A It was one of the very huge ones.

02 Q After you had noticed this thing, what appeared to
03 be an egg crate, did you investigate further?

04 A I eventually ended up back in the path and walked
05 towards it.

06 Q When you walked toward what had initially appeared
07 to you to be an egg crate by a pine tree, what if anything
08 did you ultimately observe?

09 A It wasn't until I was right on top of it, I
10 observed that it was Martha.

11 Q And, in what position was Martha at that time?

12 A She was face down, her legs were to the left
13 facing a rock, her head was to my right.

14 Q Did she appear to be moving or breathing?

15 A No.

16 Q I am going to show you a photograph that has been
17 marked for identification as State's 3 and I ask you to
18 take a look at that and state whether or not you recognize
19 the scene depicted therein?

20 A Yes.

21 Q Is that a fair and accurate representation of a
22 view that you had at the time that you walked over toward
23 what you have described as Martha Moxley lying on the
24 ground by a pine tree?

25 A I was at a different position than this.

26 MR. SHERMAN: No objection.

27 THE COURT: It may be marked as a full exhibit,

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01 State's 3.

02 BY MR. BENEDICT:

03 Q At the point that you had observed Martha Moxley
04 as depicted in State's Exhibit 3, what did you do?

05 A I called to her.

06 Q You what?

07 A I called her to, Martha.

08 Q What if anything happened?

09 A She didn't respond.

10 Q What did you do after that?

11 A I went to her home.

12 Q And, when you went to her home, what did you do
13 there?

14 A I told -- I banged on the door, let me in.

15 Q And, were you admitted?

16 A Yes, I was.

17 Q And, what happened once you were admitted to the
18 home?

19 A There were many women in the home and I told her
20 that I found Martha and they should call an ambulance.

21 Q And, then what did you next do?

22 A I sat there crying.

23 Q Did you yourself have occasion to go back to the
24 scene of Martha's body at any further occasion on that day?

25 A Yes, I did.

26 Q On about how many occasions?

27 A Two other times.

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01 Q What was the purpose of that?

02 A The first was to take Mrs. Walker to where Martha
03 was, to show an adult so when the police came, Mrs. Walker
04 could show them. And the second was to take the police to
05 her.

06 Q About how long was it from the point where you

07 first discovered the body of Martha Moxley to when the
08 police officers, the first police officers arrived?
09 A 15 minutes -- I have no idea of the time. Time
10 was not my concern.

11 MR. BENEDICT: Thank you, I have no further
12 questions.

13 CROSS EXAMINATION BY MR. SHERMAN:

14 Q Did you testify before the Grand Jury in this
15 case?

16 A Yes, I did.

17 MR. SHERMAN: I would ask the State's Attorney if
18 I may see that testimony, Your Honor.

19 MR. BENEDICT: I had thought that counsel would
20 have moved under the Grand Jury statute for discovery.
21 I think this is discovery that has to be made through
22 the Grand Jury panel rather than typically -- I don't
23 know that there is normally any problem with that --
24 rather than via the State's Attorney.

25 MR. SHERMAN: Customarily, Your Honor, once the
26 witness has testified, if she or he has testified
27 before, we are entitled to see whatever statements they

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01 have made including testimony before anybody. I am
02 just following the rules.

03 MR. BENEDICT: I think for the sake of moving this
04 proceeding along, I will give it to counsel and take my
05 chances with the Grand Jury panel.

06 THE COURT: All right.

07 MR. SHERMAN: If I just may have a moment?
08 (Brief pause.)

09 BY MR. SHERMAN:

10 Q The tree that Martha's body was found under,
11 describe that tree. What kind of a tree was that under,
12 small tree, tall tree, what kind of tree?

13 A Enormous.

14 Q Where was it located? Was it next to the house?

15 A In terms of touching, absolutely not. It
16 bordered the semi-circular part of the driveway.

17 Q I am showing you State's 2. Is the tree depicted
18 there?

19 A It's difficult from this angle but it would have
20 been in this area so that could be a piece of it. It's in
21 that area.

22 Q Look to the far left, your far left -- forget
23 about it, it is over here; right?

24 A Looking at the part of the house, it is to the
25 right.

26 Q It is to the right of the house?

27 A Yes.

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01 Q Does it border the house?

02 A What do you mean border the house, does it touch
03 it?

04 Q Right.

05 A No.

06 Q How close is it to the house?

07 A I am not good at measuring but --

08 Q Is it, say, from here to the end of the Courtroom?
09 A Approximately.
10 Q But, probably not closer than that and you can use
11 this to refresh your recollection?
12 A I couldn't tell you. I don't know which exactly
13 tree this would be, any of these would be relative to that
14 one so --
15 Q Are there trees closer to the house than that one?
16 A Pine trees?
17 Q Yes.
18 A In that particular area?
19 Q Yes.
20 A I had not passed a pine tree from the one that I
21 had found Martha under to get to the house, if that answers
22 it.
23 Q At that time, were there any other trees next to
24 the Moxley house?
25 A I don't know.
26 THE COURT: I am sorry, you don't recall?
27 THE WITNESS: I don't recall.

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01 THE COURT: I am sorry, I didn't hear you. Thank
02 you.
03 THE WITNESS: Are you talking about enormous pine
04 trees or dogwoods in terms of trees next to the house?
05 BY MR. SHERMAN:
06 Q Large trees, however you want to define it.
07 A There were no large trees touching the Moxley
08 house.
09 Q And, the tree that you found Martha's body under
10 was about from where you are to the wall here?
11 A To the best of my knowledge.
12 Q Probably no closer?
13 A I couldn't say.
14 Q No further?
15 A I couldn't say that.
16 Q What about that area?
17 A It seems like a fair approximation.
18 Q Now, you played no part in the investigation of
19 this case; correct?
20 A No, I was a 15 year old girl.
21 Q And, you were extraordinarily traumatized, I
22 presume?
23 A This was a traumatizing thing, yes.
24 Q And, you probably still suffer from that, I
25 assume?
26 A Yes, I do.
27 Q Sheila, when you found Martha's body, you went

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01 back to the house to alert everyone; correct?
02 A Yes.
03 Q Did you go back to the body after to further
04 examine it?
05 A No.
06 Q And, when you saw the horrible situation there,
07 did you look carefully to see what marks were on Martha's
08 body and how she had been injured?

09 A I was over Martha's body when I first saw her for
10 a long period of time. I did not want to return to her
11 body and came from a different position so no.

12 Q Over these 25 years we have heard so many stories
13 about golf clubs and things that were protruding from her
14 body. And I know it's an absolutely horrible thing to ask
15 you about, but can you tell us what it looked like?

16 A What her body looked like?

17 Q No, was there a golf club protruding from her
18 body?

19 A No.

20 Q There was not?

21 A No.

22 Q It's not that you don't remember it, but you
23 actually remember that there was no golf club protruding
24 from her body?

25 A I remember there was no golf club protruding from
26 her body.

27 Q It's a stupid question on my part but would you
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01 remember or would you be so shocked that you just kind of
02 blotted it out?

03 A I would have remembered.

04 Q In fact, this is something that probably sticks in
05 your mind that you can't forget?

06 A Yes.

07 MR. SHERMAN: Nothing further.

08 THE COURT: Attorney Benedict.

09 REDIRECT EXAMINATION BY MR. BENEDICT:

10 Q Ms. Maguire, I am going to show you what has been
11 marked for identification as State's Exhibit 4 and I ask
12 you whether or not you recognize the scene depicted
13 therein. If you do, you do. If you don't, just say no.

14 A I can't say exactly where it is, no.

15 MR. BENEDICT: Okay, withdrawn.

16 BY MR. BENEDICT:

17 Q How long is it today since you have last been on
18 the Moxley property?

19 A Seven years, maybe.

20 Q You lived on Field Point Drive up until about
21 seven years ago?

22 A No, my parents resided in the same home.

23 MR. BENEDICT: No further questions.

24 MR. SHERMAN: Nothing further.

25 THE COURT: You may step down.

26 THE WITNESS: Thank you.

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01 MR. BENEDICT: The State calls Thomas Keegan to
02 the stand.

03 THOMAS KEEGAN,
04 having been first duly sworn, testified as follows:

05 THE CLERK: Please have a seat and state your name
06 and address for the record, sir.

07 THE WITNESS: My name is Thomas G. Keegan,
08 K-E-E-G-A-N, and I reside at 209 Prestwick,
09 P-R-E-S-T-W-I-C-K, Road. That is in Surfside Beach,
10 South Carolina.

11 THE COURT: You may inquire, Attorney Benedict.

12 MR. BENEDICT: Thank you, Your Honor.

13 DIRECT EXAMINATION BY MR. BENEDICT:

14 Q How long, sir, have you been residing down in
15 South Carolina?

16 A I retired from the Greenwich Police Department in
17 1986 and moved to South Carolina shortly thereafter.

18 Q What, sir, was your last position with the
19 Greenwich Police Department?

20 A I retired as chief of police.

21 Q How long did you hold that position?

22 A About four and a half to five years.

23 Q I would like to take you to the month of October
24 of 1975 and ask you were you employed by the Greenwich
25 Police Department at that time?

26 A Yes, sir, I was.

27 Q And your position at that time with the Greenwich
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01 PD was what?

02 A I was a captain in the detective division.

03 Q This, sir, is a hearing relating to the alleged
04 murder of a young Greenwich resident named Martha Moxley on
05 the night of October 30, 31, 1975. In your capacity as
06 the chief of the Greenwich Detective Bureau, did you have
07 occasion to get involved in this investigation?

08 A I did, sir.

09 Q And, on what date did you first get involved in
10 the investigation?

11 A I was notified on the 31st that a possible
12 homicide had occurred in the Belle Haven section of
13 Greenwich and proceeded to that location.

14 Q And, when you proceeded to that location, do you
15 recall whether or not there were any police officers from
16 your department already on site, who had gotten there
17 before you?

18 A There were, indeed.

19 Q Do you recall how many or who?

20 A There were four or five officers who were there
21 prior to my arrival. As I recall, members of the youth
22 division had arrived. That would be Officer Dan Hinman,
23 Officer Miller Jones, I believe Detective Joseph McQuinn
24 and Detective Steve Carole and I do recall that the deputy
25 chief was there. He was putting crime scene tape out on
26 the area.

27 Q Did you have occasion to, after your arrival at
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01 this scene, to go to the location of the body?

02 A Yes, sir, I did.

03 Q And, where did you find the body?

04 A I was directed to the body of a young girl who had
05 been brutally beaten and was clearly deceased. The body
06 was located under a pine tree on what was later identified
07 as the Moxley property.

08 Q Did you, as the chief of detectives of the
09 Greenwich Police Department, take the role of supervising
10 this investigation?

11 A Yes, I did.

12 Q In the course of your supervision of the
13 investigation, do you recall whether or not a crime scene
14 diagram was created?

15 A A diagram was created, yes, sir.

16 Q And, in the course of your role in this
17 investigation, did you have occasion to be present during
18 the crime scene investigation including the collection of
19 potential evidence in this matter?

20 A Yes, sir, I was.

21 Q If I might just, for a moment, I will show you two
22 photographs that have already been admitted into
23 evidence. One is Exhibit 1. Do you recognize the
24 residence that is depicted in Exhibit 1?

25 A I do, indeed.

26 Q What is that?

27 A That is the Moxley home and property.

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01 Q We have also already testified that after your
02 arrival at this property, you proceeded at some point to
03 investigate the body and its location?

04 A Yes, sir.

05 Q Let me show you a photograph that has been marked
06 as Exhibit 2 and I ask you whether you recognize the scene
07 depicted there?

08 A I do. Yes, sir, I recognize it.

09 Q And, does that appear to be the position of the
10 victim's body as you observed it when you --

11 A That is an accurate representation of the way we
12 found the body when I arrived on the scene.

13 Q And, did there appear to be any signs of life in
14 that body at the time of your arrival?

15 A There were no signs of life.

16 Q Did you take the opportunity to closely observe
17 the entire body segment of the crime scene?

18 A I did.

19 Q At any point in observing this young woman, did
20 you notice any foreign object protruding from any part of
21 her body?

22 A Absolutely not.

23 Q Now, whereabouts was the young woman's body
24 located on the Moxley property?

25 A It was located under a pine tree which was some
26 distance from the home and from a driveway, a circular
27 driveway that was in front of the house.

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01 Q The Moxley home was located on what street?

02 A Walsh Lane.

03 Q As one would face the Moxley home from Walsh Lane
04 is it?

05 A Yes.

06 Q To what side of the residence was this -- was the
07 body located?

08 A It would be to the right side.

09 Q And, what if any type of vegetation was in the
10 vicinity?

11 A It was partially concealed under a pine tree,
12 under the limbs, lawn, that kind of stuff.

13 Q I am going to show you a photograph that has been
14 marked for identification only at this point as 4 and ask
15 you if you recognize that photograph?

16 A Yes, sir, I do.

17 Q Is that a fair and accurate representation of a
18 view that you had that day when you participated in the
19 investigation?

20 A Yes, it is.

21 Q And that is a photograph of what?

22 A The pine tree and the Moxley property.

23 MR. BENEDICT: I offer it.

24 MR. SHERMAN: No objection.

25 THE COURT: And that is which exhibit for I.D.

26 MR. BENEDICT: That is 4 which was not testified
27 to by the previous witness.

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01 THE COURT: All right; State's Exhibit 4, full
02 exhibit.

03 BY MR. BENEDICT:

04 Q Sir, I will show you an item that has been marked
05 for identification as State's 5 and ask you whether or not
06 you recognize it?

07 A I do indeed recognize this diagram.

08 Q Without claiming it to be to scale, is that a fair
09 and accurate representation of an overview of the crime
10 scene including where various items of evidence were
11 recovered in the course of this investigation?

12 A Yes, sir, it is.

13 Q There were various distances recorded there. Did
14 you measure these off yourself?

15 A I did not.

16 Q As you look at the exhibit now, do they appear to
17 you to be reasonable approximations based upon your recall
18 of where these were located at the time you were at this
19 crime scene?

20 A Yes, sir.

21 MR. SHERMAN: May I voir dire, Your Honor?

22 THE COURT: Certainly.

23 VOIR DIRE EXAMINATION BY MR. SHERMAN:

24 Q How do you know they are reasonable
25 approximations?

26 A Are you addressing the question to me?

27 Q Yes, I am sorry. Yes. I am sorry, how are you
00027
01 doing?

02 A I am well, thank you.

03 Q How do you know that these are reasonable
04 approximations if you didn't do the measuring yourself?

05 A I know this because I was at the scene. It is my
06 recollection that these are reasonable approximations of
07 the scene as I saw them that day. I am certainly not an
08 estimator but I have been over that scene a number of times
09 and these measurements, diagrams represent that scene as I
10 recall it.

11 Q And, you were the supervisor?

12 A Yes, sir.

13 Q So, it was your responsibility to assign people to

14 make these measurements and to make the drawings such as
15 this?

16 A That's true.

17 Q And, you are satisfied with what they have done?

18 A I am.

19 MR. SHERMAN: I have no objection.

20 THE COURT: It may be marked, then, as State's
21 Exhibit 5, full exhibit.

22 DIRECT EXAMINATION (CON'T) BY MR. BENEDICT:

23 Q I am showing you State's Exhibit 5. Whereabouts
24 as depicted in this sketch was the crime scene located?

25 A It is -- this sketch encompasses the entire crime
26 scene. There are locations that are very pertinent to
27 things that happened but the entire diagram depicts the

00028

01 crime scene.

02 Q Point out to Her Honor where the body was located?

03 A Your Honor, if I may, we located the victim's body
04 right here under this pine tree.

05 THE COURT: The record can reflect that he is
06 indicating the upper right-hand corner of the paper.

07 BY MR. BENEDICT:

08 Q I am going to show you two photographs that have
09 been marked for identification as State's 6 and 7. Would
10 you take a look at each of those and state whether or not
11 you recognize their contents?

12 A I recognize these pictures.

13 Q Are they fair and accurate representations of
14 views that you had in the course of investigating this
15 particular crime scene?

16 A Yes, sir, they are.

17 Q And, what are they photographs of?

18 A There is a picture, a black and white photograph
19 of the victim under the pine tree and then there is another
20 picture of the victim, of her head.

21 MR. SHERMAN: No objection.

22 THE COURT: It may be marked as full exhibits.
23 Exhibit 6 will be the black and white photo of the
24 victim under the pine tree and 7 is the head.

25 THE CLERK: Yes, Your Honor.

26 THE COURT: Thank you.

27 BY MR. BENEDICT:

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01 Q Just very quickly, sir, showing you the black and
02 white photo that has been marked Exhibit 8, does that
03 fairly depict the location of the victim's body in relation
04 to the lower branches of the pine tree that you have
05 previously testified to?

06 A Yes, it does.

07 THE COURT: Was that 8 or 6?

08 MR. BENEDICT: I meant 6. I apologize, Your
09 Honor.

10 THE COURT: Thank you.

11 BY MR. BENEDICT:

12 Q You indicated I believe as to Exhibit No. 7 that
13 that is a close up photograph of the victim's head?

14 A Yes, sir.

15 Q And, that is the position she was in when you
16 initially observed her; is that correct?

17 A Correct.

18 Q In the course of the scene investigation, did you
19 have occasion to observe any suspected murder weapon?

20 A Yes, Your Honor, we did.

21 Q I am not Your Honor and probably never will be.

22 A I am sorry. Well, perhaps some day.

23 Q I am getting a little old for that. What did you
24 find?

25 A We found sections of a golf club that had been
26 determined to be the weapon used to kill this child.

27 Q Whereabouts did you locate these sections of golf
00030

01 club?

02 A As depicted on the diagram, enclosed within the
03 circular driveway of the Moxley home, we found a club head
04 and we found about an eight inch section of stainless steel
05 tubing from a golf club.

06 Q Will you show Her Honor whereabouts you found
07 those two items as depicted in the scene diagram which is
08 Exhibit 5?

09 A Your Honor, they would be indicated by these
10 measurements, club head and it's identified as a rod when
11 indeed it is about an eight inch section, stainless steel
12 section of a golf club shaft.

13 THE COURT: Thank you.

14 BY MR. BENEDICT:

15 Q So that I am clear, this appears to be a circular
16 type of driveway that runs partly in the front and partly
17 to the right as one views the house from the street, the
18 Moxley home. And, those two items were found within the
19 circle created by the layout of the driveway?

20 A Encompassed between Walsh Lane and the circular
21 driveway.

22 Q These may be out of order at this point but I will
23 show you two items that have been marked for identification
24 as State's 12 and 13. Do you recognize the scenes
25 depicted in those two photographs?

26 A Yes, Mr. Benedict, I do.

27 Q Are they fair and accurate representations of
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01 views that you had at the point where you were
02 investigating within the circle of the driveway?

03 A That is correct.

04 Q And, what are they photographs of?

05 A There is a photograph of the stainless steel
06 section of shaft from a golf club as well as the head of a
07 golf club that you can clearly see as identified as a Tony
08 Penna (ph) iron.

09 MR. BENEDICT: I offer it in full.

10 MR. SHERMAN: No objection.

11 THE COURT: They may be marked.

12 THE CLERK: 12 and 13, Your Honor.

13 THE COURT: Yes, State's 12 and 13, full. And,
14 is 12 the club head or the shaft?

15 THE CLERK: Yes, Your Honor.

16 THE COURT: The club head, 12?
17 THE CLERK: Yes, Your Honor.
18 THE COURT: And, 13 is the shaft?
19 THE CLERK: Yes, Your Honor.

20 BY MR. BENEDICT:

21 Q How far apart from one another were these two
22 pieces of golf club as depicted in State's 12 and 13?
23 A They were in fairly close proximity to each other.
24 Q Was there any noticeable evidence of blood on
25 either piece of golf club?
26 A There were traces of blood.
27 Q And, how about within the general vicinity, let's

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01 say, a five foot diameter -- a five foot diameter area
02 around those pieces of golf club. Did you notice any other
03 evidence of blood?

04 A There may have been sprinkles of blood but no
05 massive accumulations.

06 Q In the course of the investigation, did you locate
07 any other pieces of golf club?

08 A There was one other section of golf club that was
09 located, what I would find to be, would be, I am checking
10 my compass points, would be probably southwest of where the
11 club sections of shaft were found.

12 Q This other piece of golf club, where was it
13 located as related to the two scenes in the middle of the
14 circle where you just indicated a couple of pieces of golf
15 club were located and the other side where the victim's
16 body was located?

17 A It was, as I said, if my compass orientation is
18 correct, it would be south and west, on the other side of
19 the circular driveway.

20 Q As depicted in the scene diagram, was this third
21 piece of golf club located generally in between the first
22 two you have testified to and the victim's body?

23 A Would you repeat that?

24 Q Was this third piece of golf club located in
25 between the victim's body and the location in the driveway
26 circle where you have located the other two pieces of golf
27 club?

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01 A Yes, it was.

02 Q I am showing you State's 10 for identification and
03 I ask you to take a look at that and state whether or not
04 you recognize it?

05 A Yes, sir.

06 Q Is that a fair and accurate representation of a
07 view that you had in the course of investigating this
08 scene?

09 A Yes, sir, that is correct.

10 Q And, what is that a photograph of?

11 A It's a slightly smaller section of golf club
12 shaft. Later we found it to be approximately seven
13 inches, I think.

14 MR. BENEDICT: I offer it in full.

15 THE COURT: Any objection, Attorney Sherman?

16 MR. SHERMAN: No, Your Honor.

17 THE COURT: It may be marked as a full exhibit,
18 State's 10.

19 THE COURT: Thank you, Attorney Benedict.

20 BY MR. BENEDICT:

21 Q Did you find any other portions or pieces of golf
22 club at the crime scene?

23 A No, sir.

24 Q After you had recovered those three pieces of golf
25 club, did you take the opportunity to examine them
26 together?

27 A Yes, we did.

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01 Q As a group of three?

02 A Yes.

03 Q As far as you could tell, did those three pieces
04 comprise an entire golf club?

05 A They did not comprise an entire golf club because
06 a section of that club was not present at the scene.

07 Q And, what section of the golf club, if you recall,
08 was not present at the scene?

09 A It would be the handle section of the club and the
10 part of the metal shaft as well, where the grips are.

11 Q Do you recall which particular club of a set this
12 was?

13 A I do.

14 Q And, that was what?

15 A It was a Tony Penna six iron.

16 Q The remaining portion of that golf club, was it
17 ever located in the course of this investigation?

18 A We conducted an extensive search both in the
19 vicinity of the victim and the crime scene. We used metal
20 detectors. I believe we drained some swimming pools and
21 scuba divers checked in the sound nearby. That section
22 was never located. We put out an all points bulletin I
23 guess you would call it today seeking anyone who might have
24 come across such a club in a nationwide effort to locate
25 that missing section.

26 Q In the course of investigating the specific
27 location where the third portion of the golf club was found

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01 apparently by itself, did you notice any evidence of signs
02 of injury around that particular --

03 A Yes, indeed.

04 Q What if anything did you notice?

05 A There was pooling of blood and there was the
06 beginning of the drag pattern where this section was found.

07 Q What do you mean by drag pattern?

08 A The body was dragged some 60 feet, 80 feet, up to
09 the pine tree and partially concealed under the branches.
10 And when that body was dragged, a large amount of blood was
11 left behind. There was a trail of blood, maybe 14 inches
12 wide leading up under the pine tree.

13 Q I am going to show you three photographs --
14 withdrawn. I am going to show you two photographs and I
15 ask you to take a look at them. Do you recognize the
16 contents of those photographs?

17 A Yes, sir, I do.

18 Q And, are they fair and accurate representations of
19 views that you had on October 31, 1975?
20 A Yes, sir.
21 Q And, what if anything are -- I believe they are
22 numbered 9 and 10 or 8 and 9 for identification?
23 A 8 and 9.
24 Q 8 and 9 for identification, what if anything are
25 they photographs of?
26 A This would be the drag pattern as it was on that
27 day.

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01 MR. BENEDICT: In full.
02 MR. SHERMAN: Can I check them?
03 THE COURT: Attorney Sherman?
04 MR. BENEDICT: I am sorry.
05 MR. SHERMAN: No objection.
06 THE COURT: Now, State's 8, full exhibit, is what?
07 Are they both --
08 MR. BENEDICT: They are both photographs of the
09 drag pattern.
10 THE COURT: Okay. So, 8 and 9 will now be full
11 exhibits.
12 BY MR. BENEDICT:
13 Q I am going to show you three plastic bags, each
14 containing an item that had been marked for purposes of
15 this proceeding as Exhibit 14 and 15 and 16 for
16 identification and I ask you to take a look at each of
17 those. Would you examine each of those items that I
18 placed before you?
19 A I did, Mr. Benedict.
20 Q Do you recognize what they are?
21 A I certainly do.
22 Q And, what are they?
23 A These are the -- this is the golf club head and
24 the two shafts that I referred to in earlier testimony that
25 were located at the crime scene and described or shown in
26 this diagram.
27 Q And, as you view them here on the witness stand

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01 today, what if any differences do you note between their
02 condition as it is today and their condition as it was when
03 you first observed it back on October 31 of 1975?
04 A The I guess it's called the hosil (ph), the piece
05 is rather loose and the criminalist took that apart and it
06 is kind of just stuck in there, this section here, Your
07 Honor.
08 These are the same as they were.
09 MR. BENEDICT: Subject to that explanation, we
10 would offer each of the items as a full exhibit for
11 purposes of this hearing.
12 THE COURT: Any objection?
13 MR. SHERMAN: No objection.
14 THE COURT: If you could identify them for the
15 record seriatim?
16 BY MR. BENEDICT:
17 Q For the record, why don't you place on the record,
18 14 for I.D. is what?

19 A It's the head of a Tony Penna six iron.
20 Q And, 15 for identification is?
21 A I am going to have to compare it because one is
22 larger than the other.
23 Q Take a look at both 15 and 16 for I.D.
24 A 15 I believe is the -- 16 is the shorter of the
25 two and that would be the section that was found near the
26 blood, the accumulation of blood. The eight inch section
27 which is 15 was found in close proximity to the club head.

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01 Q So, the piece of shaft that is marked for
02 identification 15 is the piece that was near the actual
03 club head in the driveway circle?
04 A Yes.
05 Q And, 16 for identification is the piece of shaft
06 that was located near the beginning of the drag path.
07 Would that be fair to say?
08 A That would be accurate.
09 THE COURT: Without objection, they may be marked
10 in as full exhibits.
11 You may proceed, Attorney Benedict.
12 MR. BENEDICT: I have no further questions, Your
13 Honor. The only outstanding exhibit for identification
14 is 11 and we are going to withdraw that offer at this
15 time.
16 THE COURT: Attorney Sherman.
17 CROSS EXAMINATION BY MR. SHERMAN:
18 Q Chief or Tom, what should I call you?
19 A It is customary that chief is used as the official
20 --
21 Q Chief, you indicate that some of these pieces went
22 to a criminalist?
23 A I did.
24 Q What is a criminalist?
25 A That would be an individual who has been trained
26 in the forensic sciences to study evidence that was
27 gathered at a crime scene.

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01 Q And, do they examine the items sent to them for
02 DNA, for fingerprints, for bloodstains, for any other kind
03 of markings?
04 A They examine them for any physical evidence that
05 may be present. At the time of this murder, DNA would not
06 be included in that examination because I don't believe
07 that it was discovered until sometime later.
08 Q But, if the evidence was well preserved, it could
09 be resubmitted at a later time to have DNA detected; could
10 they not?
11 A If it was present, certainly.
12 Q Do you know whether or not there was anything
13 found on those items that linked those items to any
14 individual whatsoever?
15 MR. BENEDICT: I am going to object. How can he
16 respond to that. If counsel wants to call the
17 criminalist in, he can certainly do that.
18 MR. SHERMAN: If he knows.
19 THE COURT: How do you claim it?

20 MR. SHERMAN: I am asking if he knows, not
21 whether or not he did it but if he knows. He is the
22 supervising investigator of a murder investigation, Your
23 Honor. It is his job. Just as it was to supervise the
24 map, it was his job to supervise the sending of all
25 information to the State Lab, to the forensic people and
26 whatnot. I am not asking what the results are which
27 would probably be hearsay. I am asking whether or not

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01 he knows that there were any results.

02 THE COURT: I will overrule the objection.

03 THE WITNESS: Would you repeat the question?

04 MR. SHERMAN: Long since forgotten.

05 BY MR. SHERMAN:

06 Q I think my question was do you know whether or not
07 there was ever any findings made of evidence submitted by
08 you to the criminalist linking any of those items, the last
09 few exhibits, to any individual, any DNA, any fingerprints,
10 any blood stains which say those items belong to an
11 individual?

12 A There were no fingerprints that were detected.

13 Q Were there fingerprints taken on any of these
14 items?

15 A Absolutely.

16 Q And, who took them?

17 A FBI, as I recall.

18 Q And, when did the FBI get involved?

19 A After the evidence was collected, it was secured
20 and packaged and some were sent to the FBI lab and I think
21 it all went to the FBI lab.

22 Q And, you sent it to the FBI because they are well
23 equipped to detect fingerprints on items; correct?

24 A That is correct.

25 Q And, you didn't feel too proud as the head of the
26 detective division to let another agency assist you;
27 correct?

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01 A I don't think pride entered into it. It is
02 common police practice to use the FBI.

03 Q And, it is good police practice; correct?

04 A Yes, it is.

05 Q And, it is fair to say that over the last 25
06 years, your department chief and you have taken a lot of
07 heat undeservably for botching this crime scene?

08 MR. BENEDICT: Objection, relevance.

09 MR. SHERMAN: I think he should be entitled to
10 answer that.

11 THE COURT: Attorney Sherman, how do you claim
12 that as relevant to this hearing?

13 MR. SHERMAN: No reason I can think of at the
14 moment, Your Honor.

15 THE COURT: Objection sustained.

16 MR. SHERMAN: I will withdraw it.

17 BY MR. SHERMAN:

18 Q Chief, you did everything you possibly could to
19 preserve this crime scene; did you not?

20 A Yes.

21 Q Do you feel now and did you then feel that you did
22 a good job?

23 A Yes, I do.

24 Q And, you would take issue with anyone who says you
25 did not?

26 A There are always critics in everything that occurs
27 in life today. There is no shortage.

00042

01 Q So, you picked up or you had these items picked
02 up, the items of physical evidence that were in fact the
03 murder weapon and they were collected in the proper manner?

04 A Yes.

05 Q And, they were preserved in plastic or in some
06 other manner which would preserve any fingerprints or any
07 other marks on them which might link them to a suspect;
08 correct?

09 A That is correct.

10 Q Shipped them off to the FBI?

11 A That is correct.

12 Q And, when the results came back, we don't have any
13 connection to anybody?

14 A The results were negative.

15 Q Now, you have indicated that you found other clubs
16 like the Tony Penna club?

17 A I did not.

18 Q Did you find other Tony Penna clubs?

19 A Other Tony Penna clubs were located.

20 Q Where did you find them?

21 A I did not find them.

22 Q Where did you locate them?

23 A There was a Tony Penna club located at the Skakel
24 home.

25 Q And, did you have a search warrant to find that
26 club?

27 A No.

00043

01 Q Why?

02 A The investigators had gotten written permission to
03 search the house.

04 Q From whom?

05 A Mr. Rushton Skakel, as I recall.

06 Q Is that the father of Michael Skakel who sits here
07 as a defendant?

08 A Yes, it is.

09 Q And, was that written permission secured through
10 negotiations with any attorneys?

11 A I don't believe --

12 MR. BENEDICT: Objection, relevance.

13 THE COURT: How do you claim that in terms of the
14 evidence that this Court needs to hear on this case?

15 MR. SHERMAN: I don't claim it, Your Honor, but I
16 will go in another direction, if I may. Withdrawn.

17 BY MR. SHERMAN:

18 Q The club that you found, the other Tony Penna club
19 that was found in the Skakel residence, was that given over
20 to you without any search warrant?

21 A That's true.

22 Q It was through a search that was consensual?

23 A Correct.

24 MR. SHERMAN: If I may just have a moment, Your
25 Honor, and the record may reflect that Mr. Bennett has
26 been kind enough to furnish me with the Grand Jury
27 testimony of Chief Keegan as well.

00044

01 THE COURT: The record may so reflect.

02 BY MR. SHERMAN:

03 Q You have indicated that the body was dragged some
04 distance; is that correct?

05 A That is correct.

06 Q What do you base that on?

07 A I base it on the drag pattern and the blood that
08 was left along that pattern.

09 Q And, how have you yourself learned about drag
10 patterns? Did you have some type of special schooling, I
11 assume?

12 A It's abundantly clear that that's what happened.
13 Anybody would recognize that as what it is.

14 Q I will assume it is specific to law enforcement,
15 any experienced law enforcement officer, detective, would
16 have had some schooling in drag patterns; yes?

17 A I don't think you need schooling to see that a
18 body was dragged and the blood was left and the grass was
19 matted down. It is just -- it's very basic.

20 Q And, the body was dragged from where to where, if
21 you can tell us? In other words, it was found under a
22 tree; correct?

23 A That was the final terminus.

24 Q Right. I am showing you what is marked as State's
25 Exhibit 1. Can you tell us the tree from this picture?

26 A No, I can't.

27 Q I am showing you State's 8. Obviously, would it

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01 be fair to say that that's where the body was found?

02 A That is correct.

03 Q And, it is under a tree; correct?

04 A Yes, sir.

05 Q That tree, how far is it from the Moxley home?

06 Feel free to use any of this stuff to refresh your
07 recollection.

08 A Thank you. It's approximately 161 feet from the
09 Moxley home.

10 Q So, the tree under which the body was found was
11 161 feet from the house itself?

12 A Yes, sir.

13 Q In terms of distance, how far is 161 feet? Is it
14 to this wall or is it beyond that?

15 A It's beyond that.

16 Q Would it be maybe twice the distance of the wall?

17 A I would say it is more than that.

18 Q And, that's the final location of the body?

19 A Yes, sir.

20 Q And, where the actual assault, where the murder
21 occurred was some 60 to 80 feet from that?

22 A That is correct.

23 Q Was that under a tree as well or was it in the
24 open or do we know?
25 A It was near a tree, a small tree.
26 Q How small a tree, if you can tell us?
27 A I don't recall.

00046

01 Q Were you ever involved in the application for any
02 search warrant for the Skakel home at all?
03 A No.
04 Q Why not?
05 A We had permission to search the home and it
06 carried on for some time and I don't recall what the length
07 of time was. And that permission was subsequently
08 withdrawn.
09 Q Would it be fair to say that you had permission to
10 search and use the Skakel home for about three months after
11 the murder?
12 A Yes.
13 Q And, there was no impediment placed in your way by
14 the family as far as access to the home or to interview any
15 of the children; correct?
16 A As far as the access goes, I would say that that
17 was accurate. As far as impediments, I am not sure I
18 would agree with that.
19 Q Did anyone not agree to talk to you during those
20 three months?
21 A It wasn't an easy --
22 MR. BENEDICT: Objection, relevance.
23 THE COURT: How do you claim that?
24 MR. SHERMAN: I don't, Your Honor. Nothing
25 further.
26 THE COURT: Attorney Benedict.
27 MR. BENEDICT: May I, Your Honor.

00047

01 REDIRECT EXAMINATION BY MR. BENEDICT:
02 Q Do you recall what if anything occasioned the
03 withdrawal of the consent to search within the Skakel home?
04 Do you recall any particular incident or occurrence --
05 MR. SHERMAN: Objection, Your Honor, relevance.
06 THE WITNESS: Yes, I do.
07 MR. SHERMAN: Objection, Your Honor, relevance.
08 MR. BENEDICT: Counsel opened this up in
09 cross-examination.
10 MR. SHERMAN: Yes, but Your Honor shut it down.
11 THE COURT: I am sorry, the question -- there was
12 a question about whether there was any impediment to
13 access to the home and this witness testified that he
14 did not agree that there were no impediments to his
15 access to interview people so the objection is
16 overruled.
17 BY MR. BENEDICT:
18 Q You may answer the question. Do you recall the
19 question?
20 A To be 100 percent sure, I would like you to repeat
21 it or have the Court Reporter read it back.
22 MR. BENEDICT: I will do it. I remember what I
23 asked.

24 BY MR. BENEDICT:

25 Q Did anything occasion the withdrawal of
26 permission?

27 A Yes.

00048

01 Q What if anything occasioned that?

02 A There were some records that we were seeking about
03 one of the boys and the people who were the custodians of
04 those records called Mr. Skakel and I guess in an agitated
05 state. And after that occurred, the access was shut down.

06 Q No fingerprints were located apparently by the FBI
07 on the portions of golf club that have been submitted in
08 evidence here; is that correct?

09 A That is correct.

10 Q The portion of golf club that is not here in this
11 Courtroom is what portion?

12 A That is the handle of the golf club and part of
13 the shaft.

14 Q Do you play golf?

15 A I do.

16 Q When you play golf, what portion of the golf club
17 do you normally wrap your hands around?

18 A That would be the handle.

19 Q Counsel asked you about questions regarding
20 another golf club that was recovered, I think your
21 testimony was, within the Skakel home. Do you recall that
22 question and answer?

23 A I do.

24 Q You were also asked some questions about the golf
25 club having been sent to a criminalist?

26 A Yes.

27 Q Do you recall what criminalist, who that was?

00049

01 A I think it was Jimmy McDonald with the State
02 Police.

03 Q Counsel also asked you if there were any findings
04 by the criminalist, where portions of golf club was sent
05 to, that pointed to any particular person. Were both, if
06 you know, the portions of golf club found at the crime
07 scene and club found at the Skakel home, were they both
08 sent to Mr. McDonald?

09 A They were.

10 Q Was Mr. McDonald able to tie those in?

11 MR. SHERMAN: Objection, hearsay and beyond the
12 scope of cross.

13 MR. BENEDICT: Counsel asked whether or not there
14 was anything that pointed to any particular
15 individual. I think that's responsive to this.

16 MR. SHERMAN: And, he has already answered.

17 THE COURT: The objection is overruled.

18 THE WITNESS: Yes.

19 BY MR. BENEDICT:

20 Q What if anything did you learn?

21 A I learned that these two clubs were brother and
22 sister, that they had come in contact with each other.

23 MR. BENEDICT: Thank you very much. I have no
24 further questions.

25 RECROSS EXAMINATION BY MR. SHERMAN:

26 Q So, who did this golf club then point the finger
27 at?

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01 A It didn't point the finger at anyone. It merely
02 established the fact that the club we located within the
03 Skakel home was one in the same as the club that was used
04 to bludgeon that child to death.

05 Q And, did you make a determination as to whether or
06 not it was customary or not customary for members of the
07 Skakel family, notably Rushton Skakel, to leave these golf
08 clubs around the yard? Yes or no?

09 MR. BENEDICT: Objection, based on hearsay.

10 MR. SHERMAN: Absolutely not, it's his
11 investigation and I am not the one who opened the door,
12 Your Honor, whether or not he made that investigation.

13 THE COURT: Okay, in this proceeding, under the in
14 re: Ralph case, the Court is not confined to the rules
15 of evidence and the Court is entitled to hear any
16 evidence that it determines to be reliable and that is
17 material and relevant to this issue of probable cause.
18 I will overrule the objection and I will allow the
19 answer to that question.

20 BY MR. SHERMAN:

21 Q Do you remember the question?

22 A I don't.

23 Q This time I do. Did you make an investigation or
24 determination as to whether or not it was customary or not
25 customary for anyone in the Skakel family including and
26 especially Rushton Skakel, Mr. Skakel's father, to leave
27 golf clubs around the yard?

00051

01 A It was reported that golf clubs were left out.

02 Q So, that's a yes? That's a yes?

03 A It sounds like a yes to me.

04 Q No question about it?

05 A I didn't say that they were left out. I said it
06 was reported. We talked to the gardner and we were unable
07 to establish that.

08 Q So, then why did you answer yes, that it was
09 reported?

10 A Because it was reported that golf clubs were
11 routinely left in the yard. The gardner said, if I recall
12 correctly, that he cut the grass recently and did not come
13 across any golf clubs within a day or two of the murder.

14 Q So, who reported that golf clubs were routinely
15 left all over the yard?

16 A I think one of the Skakels.

17 Q Who?

18 A I can't recall.

19 Q Well, it was obviously important enough that you
20 remember it quite vividly; correct?

21 A I remember it because the theory was that some
22 transient came through, picked up a golf club and killed
23 the girl. That doesn't hold water.

24 Q Why?

25 A Because the section of the golf club that is

26 missing was clearly marked with the Skakel name. It seems
27 improbable to me that any transient A, would know that name
00052

01 was on there and, B, deliberately break that club and take
02 that section of club with him or hide it. The only one
03 who would be interested in doing that would be someone who
04 knew it was on that handle.

05 Q So, because that part is missing, your conclusion
06 is that someone held that piece of club simply to hide the
07 name tag and that person must be a Skakel; correct?

08 A My conclusion is that the person that killed
09 Martha was aware that that name was on the club. The club
10 was deliberately broken. That section was removed,
11 destroyed, hidden or whatever happened to it to this day
12 because that person knew that it was there.

13 Q And, how do you know that?

14 A That is my conclusion, Mr. Sherman.

15 Q Based on what?

16 A My training and experience.

17 Q Have you ever investigated someone who has been
18 killed with a golf club before or with any item that had
19 their name on it?

20 A No, sir.

21 Q This is the first time?

22 A Yes.

23 Q But, this is your theory?

24 A Exactly.

25 Q And, based on that, did you discard the transient
26 theory and focus the investigation --

27 A Absolutely not.

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01 Q In fact, you didn't, you focused on transients;
02 did you not?

03 A Absolutely not, we did not focus on any particular
04 area.

05 Q Did you focus on Ken Littleton for a great period
06 of time?

07 MR. BENEDICT: Objection, relevance.

08 MR. SHERMAN: Your Honor, I claim it.

09 THE COURT: Okay, how is that relevant in terms of
10 being material and relevant to these proceedings?

11 MR. SHERMAN: Because Chief Keegan has now given
12 us his tone, if you will, on why a Skakel committed this
13 crime and why he believes that the golf club links it to
14 a Skakel even though he has told us that they were
15 routinely found in the yard.

16 THE WITNESS: Reportedly found.

17 THE COURT: The objection is overruled.

18 BY MR. SHERMAN:

19 Q Okay, answer the question. So, why did you spend
20 so much time investigating Ken Littleton if he wasn't a
21 Skakel and didn't have cause to --

22 A We spent time investigating numerous individuals
23 and a competent investigation is to rundown and check all
24 leads, no matter how outside the lines they are. You have
25 to eliminate things. You have to take it to the end as
26 far as you can.

27 Q At what point in time did you eliminate Ken
00054
01 Littleton?
02 A I can't fix a date on that.
03 Q Well, would it be about an hour before he was
04 given immunity in this case?
05 A No.
06 Q Would it have been two years ago?
07 A I didn't know he had immunity.
08 Q Do you know now?
09 A If you say so.
10 Q Are you telling us that you don't know that Ken
11 Littleton has been given immunity in this case?
12 A That's my testimony, yes, sir.
13 MR. BENEDICT: Objection.
14 THE COURT: Okay, the objection is sustained.
15 MR. SHERMAN: I won't belabor the point.
16 BY MR. SHERMAN:
17 Q Chief, it was widely reported to you that there
18 were golf clubs left by the Skakels in the yard; correct?
19 A It was not widely reported, it was reported.
20 Q Now, how reported, how narrowly reported, how
21 wide, how narrowly?
22 A Someone in the Skakel family said the kids went
23 out in the yard, hit golf clubs and left them around.
24 Q That doesn't come as a big surprise?
25 A No.
26 Q And, that was one of the reasons why you in fact
27 pursued a transient theory for some time because anyone

00055
01 could have picked up that club; yes?
02 A I think, Mr. Sherman, you have to pursue all
03 avenues in a parallel fashion. For a long period of time,
04 I don't think that I was convinced that a transient was
05 responsible.
06 Q When were you unconvinced it was a transient?
07 A You can't dismiss the theory out of hand but here
08 we are in Belle Haven, a gated community with lots of cops
09 out there. It just doesn't seem probable that somebody
10 wanders into Belle Haven, finds a golf club and comes
11 across a child and kills her. It defies logic.
12 Q Are all crimes that you have investigated based
13 upon who probably did it?
14 MR. BENEDICT: Objection, argumentative,
15 irrelevant.
16 THE COURT: Objection is sustained.
17 BY MR. SHERMAN:
18 Q Did you consider Tommy Skakel as a suspect?
19 A Yes, sir.
20 Q For how long?
21 A For sometime.
22 Q Define sometime?
23 A Years.
24 Q Up until maybe and including now?
25 A No.
26 Q You don't consider him a suspect now?
27 A No, sir.

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01 Q Any question about that?

02 A Do I have a question?

03 Q No question about that; right?

04 A No.

05 Q He is no longer a suspect?

06 A The State Attorney's office has conducted an
07 investigation. They have presented evidence that I am
08 unaware of. A Grand Jury has found that there is probable
09 cause to believe that that young man killed Martha
10 Moxley. I am here to offer testimony on what I did. The
11 State Attorney's Office is to be commended for their
12 diligence and hard work.

13 Q Excuse me, we will do the speeches outside later.

14 A I don't do speeches, Mr. Sherman. You do the
15 speeches.

16 MR. BENEDICT: As long as we can come to an
17 agreement to equally forego the speeches, I have no
18 problem with that.

19 THE COURT: That's fine.

20 BY MR. SHERMAN:

21 Q Chief --

22 A Yes, sir.

23 Q In the course of your investigation, did you find
24 any evidence in the murder of Martha Moxley that said
25 Michael Skakel did it; yes or no?

26 A No, sir.

27 MR. SHERMAN: Thank you, nothing further.

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01 REDIRECT EXAMINATION BY MR. BENEDICT:

02 Q One or two questions. You have indicated that
03 the portion of that number six Tony Penna golf iron that
04 was missing, the missing portion contained a label with the
05 Skakel name on it. How did you know that?

06 A The club that we located within the home had that
07 same label on it. And the criminalist determined that they
08 were brother and sister and it only stands to reason that
09 that had that label.

10 MR. BENEDICT: No further questions.

11 THE COURT: Anything further?

12 MR. SHERMAN: Nothing.

13 THE COURT: Thank you very much. At this point,
14 we will take the morning recess for approximately 15
15 minutes.

16 (Whereupon, a brief recess was taken.)

17 MR. BENEDICT: Your Honor, at this point, the
18 State is going to offer the autopsy report together with
19 four autopsy photographs. I have shown them to
20 counsel.

21 MR. SHERMAN: No objection.

22 MR. BENEDICT: May they be marked in full?

23 THE COURT: And, would you read them into the
24 record, please?

25 THE CLERK: Number 17 is the autopsy report. 18,
26 19, 20 and 21 are autopsy photos, Your Honor.

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01

JIM LUNNEY,

02 having been first duly sworn, testified as follows:
03 THE CLERK: Please have a seat and state your name
04 and address for the record, sir.

05 THE WITNESS: Jim Lunney, L-U-N-N-E-Y, Post
06 Office Box 1615, Greenwich, Connecticut 06836.

07 THE COURT: Thank you. You may inquire, Attorney
08 Benedict.

09 MR. BENEDICT: Thank you, Your Honor.

10 DIRECT EXAMINATION BY MR. BENEDICT:

11 Q Have you ever been employed by the Greenwich
12 Police Department?

13 A Yes, I have.

14 Q When did you retire from the Greenwich Police
15 Department?

16 A 1987.

17 Q And, your position with the Greenwich PD at that
18 time, at the time of retirement was what?

19 A A detective.

20 Q And, for how many years did you in total serve
21 with the Greenwich Police Department?

22 A 24 plus.

23 Q This is a hearing that involves the alleged
24 homicide of a Greenwich Connecticut resident named Martha
25 Moxley on the night of October 30 to 31 of 1975. Did you
26 have occasion to get involved in this investigation?

27 A Yes, I did.

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01 Q In October of 1975, what was your position with
02 Greenwich Police Department?

03 A I was a detective.

04 Q At approximately -- well, in the course of your
05 efforts in this investigation, where did you first go?

06 A The afternoon of the 31st, I was detailed down to
07 the crime scene at 4:30, 4:00, 4:30.

08 Q Where did you initially go when you responded to
09 this crime scene?

10 A From the headquarters to the crime scene.

11 Q And, that would be any particular residence?

12 A The Moxley residence.

13 Q I am showing you Exhibit No. 2 for this hearing.
14 Does that appear to you to be a photograph of the Moxley
15 residence?

16 A Yes.

17 Q While at that particular crime scene, did you have
18 occasion to learn, acquire any information about the
19 suspected murder weapon?

20 A Yes.

21 Q And, what if anything did you learn when you
22 responded to the scene about the suspected murder weapon?

23 A We were told that it was a golf club.

24 Q Did you take the opportunity that afternoon to
25 examine the golf club that was the suspected murder weapon?

26 A Yes, I did.

27 Q Would you describe what it was that you saw?

00060

01 A I believe a Tony Penna six iron.

02 Q And, was it intact?

03 A No.
04 Q How many pieces?
05 A Three.
06 Q Do you recall upon your observing it, did you
07 notice whether or not any parts of it appeared to be
08 missing?
09 A Yes.
10 Q And, what if any part did you notice to be
11 missing?
12 A The handle or the grips.
13 Q That would be the top end of the shaft of the golf
14 club?
15 A Yes.
16 Q Did any of the portions of golf club that were
17 recovered from the scene that you observed have on them any
18 labels, any type of writing at all except -- withdrawn.
19 Except for the head of the golf club which you
20 referred to as Tony Penna, that label is on the head; is
21 that correct?
22 A Correct.
23 Q What were the other two portions of golf club?
24 A The two portions of the shaft.
25 Q And, did either of those portions of the shaft
26 have any types of labels or tags on them?
27 A No.

00061

01 Q Where did you respond in the course of your
02 efforts in this investigation and after having gone to the
03 crime scene?
04 A We were detailed to the Skakel residence.
05 Q And, what was your purpose in going over there?
06 A We were informed that the deceased was last seen
07 and possibly with members of the Skakel household.
08 Q I will show you a photograph and ask you to state
09 whether or not -- it is marked as Exhibit 2 for
10 identification -- whether or not you recognize the scene
11 that is depicted in that photograph?
12 A Yes.
13 Q And, is that a fair and accurate representation of
14 a view that you had back on October 31, 1975?
15 A Yes.
16 Q What is it a photograph of?
17 A The Skakel residence.
18 Q This photograph appears to be a picture of a
19 building, of a home. But, in addition to that, there are
20 some people depicted in this. Can you associate those
21 people with anything to do with this investigation?
22 A Not really.
23 MR. BENEDICT: Subject to that qualification, we
24 would offer it in full.
25 MR. SHERMAN: If I may have just one moment, Your
26 Honor?
27 (Brief pause.)

00062

01 MR. SHERMAN: No objection.
02 THE COURT: That is number what?
03 MR. BENEDICT: 22, Your Honor.

04 THE COURT: Full exhibit, number 22.

05 BY MR. BENEDICT:

06 Q Detective Lunney, were you admitted entry to the
07 Skakel home when you went over there on October 31?

08 A Yes, I was.

09 Q Do you recall who it was that admitted you?

10 A I believe it was a man but I am not positive.

11 Q At the time you had entered the home, at any time
12 thereafter on October 31, did you come in contact with any
13 parent?

14 A No.

15 Q In the course of your presence within the home,
16 did you observe any Tony Penna golf clubs?

17 A Yes, I did.

18 Q And, do you recall where that was?

19 A I believe it is in what they call the mud room on
20 the first floor.

21 Q And, where within the mud room did you observe the
22 Tony Penna golf club?

23 A There was a barrel holding clubs, umbrellas,
24 canes. There may have been something else in there. I
25 honestly can't remember.

26 Q How many Tony Penna golf clubs did you observe
27 within this barrel?

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01 A One.

02 Q Do you recall offhand which member of a set that
03 club happened to be?

04 A Yes, I do.

05 Q And, what was that?

06 A It was the number 4.

07 Q Wood or iron?

08 A Iron.

09 Q At that time, October 31, 1975, when you observed
10 that number four iron, Tony Penna four iron in a barrel,
11 did you seize it?

12 A No.

13 Q Why not?

14 A We found out at that particular time there was no
15 parent in the house. Actually, there was only one parent
16 who was Mr. Skakel and he was away.

17 Q Did you subsequently return to the Skakel home for
18 purposes of seizing that number four iron?

19 A Yes, we did.

20 Q When did you do that?

21 A The next day.

22 Q And, when you went back to the Skakel home the
23 next day, that would be November 1?

24 A Right.

25 Q Did you see that Tony Penna number four iron?

26 A Yes.

27 Q And, where was it when you saw it on this

00064

01 occasion?

02 A In the barrel where we saw it the day before.

03 Q Prior to conducting any searches within the home,
04 did you have any conversations with any adult on November

05 1?

06 A Yes, we did.

07 Q And, that would be who?

08 A Mr. Skakel.

09 Q And, did you receive from him permission to
10 search?

11 A Yes, we did.

12 Q I am going to show you what has been marked for
13 identification as number 24 and ask you to state whether or
14 not you recognize it?

15 A Yes.

16 Q Do you note any differences between its condition
17 today and its condition when you initially observed it back
18 on November 1 of 1975?

19 A I believe it had a sticker when we found it.

20 Q Other than that, do you notice any differences
21 between its condition today and now?

22 A No.

23 Q I am going to show you what has been marked for
24 identification as 25 and ask you to state whether or not
25 you recognize what that is?

26 A Yes.

27 Q To that document, there are scotch taped two
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01 different labels?

02 A Correct.

03 Q Do you recognize those?

04 A Yes.

05 Q Do they appear to you to be the labeling that was
06 on that number 4 Tony Penna golf club iron when you seized
07 it on November 1, 1975?

08 A It appears to be, yes.

09 MR. BENEDICT: I offer both as full exhibits.

10 MR. SHERMAN: If I may just voir dire. Hi, Joe.

11 THE WITNESS: Mr. Sherman.

12 MR. SHERMAN: How are you doing?

13 VOIR DIRE EXAMINATION BY MR. SHERMAN:

14 Q This label came from this club?

15 A Let me see that.

16 Q Do you know that directly or you are just part of
17 this investigation and you take that --

18 A I take it.

19 Q And, who is James McDonald?

20 A He is a State Police forensic criminalist.

21 Q And, it is your testimony that this club was sent
22 up to the forensic people, that the forensic man, Mr.
23 McDonald, examined this and took this label off this?

24 A To my knowledge, yes.

25 MR. SHERMAN: I have no objection.

26 THE COURT: It may be marked as full exhibits, 24
27 and 25.

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01 DIRECT EXAMINATION (CON'T) BY MR. BENEDICT:

02 Q Detective Lunney, in the course of your efforts in
03 this investigation, did you ever have shown to you any
04 other Tony Penna golf irons?

05 A Yes, I did.

06 Q Do you recall where that was?
07 A It was at an attorney's office in Stamford.
08 Q And, the attorney was who?
09 A Attorney Margolis.
10 Q And, this was when, approximately?
11 A About a year later.
12 Q And, at that point, did Mr. Margolis have any
13 association with the Skakel family?
14 A He was representing the Skakel family.
15 Q I am going to show you what has been marked for
16 identification as State's 23 and ask you if you recognize
17 what is depicted in that photograph?
18 A Yes.
19 Q Is that a fair and accurate representation of a
20 viewing that you had in Attorney Margolis' office?
21 A Yes.
22 Q And, what is it a photograph of?
23 A Two Tony Penna clubs, two irons.
24 Q Do you recall offhand what numbers those irons
25 were?
26 A Yes, I do.
27 Q And, they were?
00067
01 A Three and a five.
02 MR. BENEDICT: I offer it in full.
03 MR. SHERMAN: No objection.
04 THE COURT: It may be marked as State's Exhibit
05 23.
06 MR. BENEDICT: The State has no further questions
07 of Detective Lunney.
08 THE COURT: Attorney Sherman.
09 CROSS EXAMINATION BY MR. SHERMAN:
10 Q Were you in charge of the crime scene?
11 A No.
12 Q Who was in charge of the crime scene?
13 THE COURT: Of the crime scene?
14 MR. SHERMAN: Crime scene.
15 THE WITNESS: The supervising officer was Captain
16 Keegan, sir, if I remember. He was in charge.
17 BY MR. SHERMAN:
18 Q In your opinion, was the crime scene well
19 preserved?
20 MR. BENEDICT: Objection. Relevance.
21 THE COURT: Attorney Sherman.
22 MR. SHERMAN: I think he should be able to offer
23 testimony as to the integrity of the crime scene. We
24 have the autopsy. We have the alleged murder weapon.
25 I am just asking him a general question as to whether or
26 not this crime scene was well preserved. It goes to
27 the integrity of the investigation.
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01 THE COURT: I will overrule the objection.
02 THE WITNESS: I wasn't at the actual crime
03 scene. I appeared there and I was detailed someplace
04 else.
05 BY MR. SHERMAN:
06 Q At some point, did you question people as to

07 whether or not it was customary that Tony Penna or any kind
08 of golf clubs were left about the Skakel home?

09 A Yes.

10 Q And, what did you learn?

11 A That from time to time people in the house would
12 chip and putt outside the back yard and clubs would be
13 found around the yard.

14 Q And, that was customary?

15 A I don't know if it was customary, but it happened.

16 Q And, showing you this piece of paper, does this
17 refresh your recollection as to who you interviewed and
18 what they said with respect to whether or not golf clubs
19 were routinely left about the Skakel household?

20 A Yes.

21 Q And, who did you speak to specifically about
22 whether or not clubs were routinely left out in the yard?

23 A Pretty much everyone.

24 Q And, did you get the same answer?

25 A Yeah. Yes.

26 Q And, that was that in fact it was common knowledge
27 that golf clubs belonging to the Skakel family were often

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01 left about the grounds?

02 A At times.

03 Q Any question about that?

04 A I had to go on what they said. I couldn't prove
05 it.

06 Q But, you couldn't disprove it either?

07 A No.

08 Q And, you felt it important enough to include that
09 in your report?

10 A Of course.

11 Q Now, you have indicated that you found another
12 Tony Penna golf club, in fact the one I believe which is in
13 evidence in the Skakel household?

14 A Correct.

15 Q And, this is State's 24. How did it come to be
16 that you took possession of this? Did you ask
17 permission? Did you get a Court order? Did you negotiate
18 something through the Skakel lawyers? What was the
19 mechanism by which you got into the house and got this
20 club?

21 A We met with Mr. Skakel on November 1. He signed
22 a consent to search and we retrieved the club.

23 Q Was there any negotiation, was there any
24 discussion about lawyers before you did that?

25 A To the best of my knowledge, no.

26 Q In fact, would it be fair to say that he was
27 completely cooperative with the Greenwich Police Department

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01 at that time?

02 A At that time, yes.

03 Q And, did he offer his home to you folks to work
04 out of at various times over the next couple of months?

05 A Work out of?

06 Q Correct. Did you actually go into the home,
07 maybe have coffee, have a donut, have a meal, have a

08 sandwich, in order to facilitate the investigation, not
09 necessarily yourself but other members of the Greenwich
10 Police Department? Are you aware of that?

11 A No.

12 Q Was it routine for Greenwich police officers to
13 come into the Skakel household over the three months
14 following this murder?

15 A Yes.

16 Q And, under what circumstances did those officers
17 go into that house on a routine basis, why did they go
18 there?

19 A To talk to members of the family.

20 Q And, was there anything put in their way of
21 talking to members of the family?

22 A Not for that period of time.

23 Q And, I am saying three months, is that about
24 right?

25 A That I wouldn't know.

26 Q Does it jive with your recollection? I don't want
27 to overstate it, Joe.

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01 A I wouldn't be able to pinpoint the exact time but
02 there was a period of time where we had access to the
03 house.

04 Q Does three months sound about right to you?

05 A It sounds kind of long.

06 Q Two and a half months?

07 A Still long.

08 Q Two months?

09 A Still long.

10 Q How long would you say?

11 A Maybe a month, a couple of weeks.

12 Q Maybe a month?

13 A A couple of weeks.

14 Q For that period of time, there were no Court
15 orders necessary and no negotiations with any lawyers or
16 even discussions with any lawyers before you or your
17 colleagues could go into the house, take anything you want
18 or ask any question of the Skakel family?

19 A Well, I wouldn't be able to answer if they had any
20 contact with their lawyers but I didn't.

21 Q Right. But, you have been involved in many
22 investigations of the past umpteen years; correct?

23 A Correct.

24 Q In fact, you and I have talked many many times
25 over the last 25 years on various cases?

26 A Correct.

27 Q And, sometimes clients would say they don't want

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01 to talk to you and then you would get a call from me saying
02 what do you want and where are you going and what not?

03 A Right.

04 MR. BENEDICT: Objection to all of this.

05 THE COURT: How do you claim all of this, Attorney
06 Sherman?

07 MR. SHERMAN: It's preliminary to finding out
08 whether or not this was a consensual search or the level

09 of cooperation exercised by the Skakel family, Your
10 Honor. And, actually, I didn't bring it up. It was the
11 State's Attorney who brought up the issue of consent.

12 THE COURT: Okay, this individual has testified
13 that he received consent on November 1 of 1975 from Mr.
14 Skakel to search and that it was pursuant to that
15 consent that he took the club.

16 MR. SHERMAN: I guess I am asking about the
17 extent of the consent, the duration and other aspects of
18 it, Your Honor. But, I won't ask a lot more questions.

19 THE COURT: The objection to the last whole line
20 of whatever that question was which wasn't really a
21 question is sustained.

22 BY MR. SHERMAN:

23 Q Any question in your mind that this was totally a
24 consensual search when you took the golf club?

25 A No.

26 Q No question?

27 A No.

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01 Q And, for a period after that, they still allowed
02 you to search the premises?

03 A Yes.

04 Q Talking about the premises, you identified a
05 picture of the house which is State's 27. Is this the
06 house the way it appeared, the Skakel house, at the time of
07 the incident?

08 A Just the house?

09 Q Yes.

10 A To the best of my recollection, yes.

11 Q Is there a garage there?

12 A No.

13 Q There is no garage at the Skakel house; correct?

14 A No.

15 Q You are sure of that?

16 A Yeah, I am pretty positive.

17 MR. SHERMAN: Nothing further, thank you.

18 REDIRECT EXAMINATION BY MR. BENEDICT:

19 Q When you went back to the Skakel home on November
20 1, do you recall whether any of the kids were around, the
21 children?

22 A I don't recall but I don't believe they were
23 there.

24 MR. BENEDICT: I have nothing further.

25 MR. SHERMAN: Nothing further, Your Honor.

26 THE COURT: You may step down.

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01 MR. BENEDICT: Your Honor, Inspector Garr is
02 looking for our witness who was in the adjoining witness
03 room but seems to be out of the building at the
04 moment. I apologize.

05 JOHN D. HIGGINS,
06 having been first duly sworn, testified as follows:

07 THE CLERK: Please have a seat and state your name
08 and address for the record, sir.

09 THE WITNESS: John D. Higgins, 6450 Kaycat Court,
10 Lisle, L-I-S-L-E.

11 DIRECT EXAMINATION BY MR. BENEDICT:

12 Q The State is Illinois, sir?

13 A Yes.

14 Q Mr. Higgins, you are how old?

15 A 37.

16 Q And, you were born in what state?

17 A I was born in Norwalk, Connecticut.

18 Q And, you lived in Connecticut until about what
19 age?

20 A Maybe fourth grade or something like that.

21 Q And, then where did you move to?

22 A Chicago.

23 Q Is Lisle a suburb of Chicago?

24 A Yes.

25 Q At some point during your teenage years, did you
26 have occasion to attend an institution in Poland Springs,
27 Maine named Elan?

00075

01 A Yes, I did.

02 Q And, about how old were you when you first went to
03 attend Elan?

04 A 14, 15.

05 Q Prior to going to Elan, were you going to school?

06 A Yeah, I was in the public high school.

07 Q And, what grade were you in?

08 A I was -- it was right after freshman year I went
09 there.

10 Q So, what year would it have been that you first
11 went to Elan?

12 A Probably 1977 through 1979.

13 Q You were there for about two years?

14 A Two years.

15 Q What exactly, when you attended the institution,
16 was Elan?

17 A What was it?

18 Q Yes.

19 A It was a lot of different things. It was a place
20 to hide your kids if they bothered you. It was a place
21 for kids to get help with problems that they had.

22 Q What was, if you know, the purpose in your being
23 sent to Elan?

24 A I think it was just a place for my step Dad to
25 keep me at bay.

26 MR. SHERMAN: I am sorry, I couldn't hear the
27 last part.

00076

01 THE COURT: Place to have my step Dad keep me at
02 bay.

03 BY MR. BENEDICT:

04 Q At some point after you began to attend Elan, did
05 you have occasion to make the acquaintance of another
06 student named Michael Skakel?

07 A Yes, I did.

08 Q And, is that person in the Courtroom at this time?

09 A Yes, he is.

10 Q Would you just point to him so Your Honor would
11 know?

12 A Sitting right there.
13 Q The gentleman in the middle of the defense table?
14 A That is correct.

15 THE COURT: The record can reflect that he has
16 identified Michael Skakel.

17 BY MR. BENEDICT:

18 Q Do you recall who came to Elan first, as between
19 yourself and himself -- and him?

20 A I think that he probably was -- he may have been
21 run away when I first got there so I don't know if he was
22 there actually when I got there.

23 Q About how long was it after your arrival at Elan
24 that you first made Michael Skakel's acquaintance?

25 A At least six months or so.

26 Q Do you recall while you were a student at Elan
27 having occasion to have a conversation with Michael Skakel
00077

01 about his involvement in a murder in Greenwich,
02 Connecticut?

03 A Yes, I do.

04 Q Where were you when you had this conversation?

05 A On the front porch of the dormitory.

06 Q Do you recall what time of day or night,
07 approximately, it was that this conversation took place?

08 A It was in the evening when everybody was asleep.

09 Q What were you doing having a conversation with
10 Michael Skakel at this particular time?

11 A At that time, Michael and I were both night
12 owls. We watched the dormitory.

13 Q What was the purpose of being a night owl?

14 A To keep people from running away.

15 Q And, how long a shift would you be assigned to
16 when you were serving as night owl?

17 A Overnight, we would be off in the morning.

18 Q Do you recall having engaged in any personal
19 conversations with Mr. Skakel prior to this night that you
20 were both serving as night owls?

21 A Not in particular.

22 Q In the course of this conversation, did Mr. Skakel
23 explain to you why he was there?

24 A Yes, he did.

25 Q What if anything did he explain to you?

26 A Why he was there, I couldn't be specific about
27 that. But that incident that occurred in his life, whether
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01 that was why he was there, I really wouldn't know.

02 MR. SHERMAN: I am sorry, I can't hear. Could
03 you keep your voice up?

04 THE COURT: If you can, keep your voice up.
05 Everything that we say is taken down on a monitoring
06 device.

07 THE WITNESS: I couldn't tell you why he was there
08 but I can tell you that incident that occurred to and
09 with him, I can tell you about that.

10 BY MR. BENEDICT:

11 Q What could you tell us about that as far as what
12 Mr. Skakel related to you that night?

13 A He related to me that he had been involved with a
14 murder of someone or at that time when he started talking
15 about it, thought that he had been involved with this.

16 Q How long did this conversation last?

17 A I couldn't be sure, maybe a couple of hours.

18 Q And, would you describe Mr. Skakel's mood through
19 his conversation?

20 A Sobbing, crying.

21 Q In the course of this conversation, what if
22 anything did he tell you that he recalled in regards to any
23 involvement he may have thought he had in this murder?

24 A He related that he was in his garage and he was
25 going through some golf clubs and he had a golf club. He
26 was outside of his garage running through some woods and he
27 remembers seeing pine trees and he blacked out. He

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01 doesn't have any other recollection and he told me that.

02 MR. SHERMAN: I am sorry, could that last part be
03 repeated? I missed that.

04 THE COURT: Can you read it back, please.

05 (Whereupon, the answer was read back.)

06 BY MR. BENEDICT:

07 Q In the course of what you just related, what if
08 anything did Mr. Skakel say in regards to a golf club?

09 MR. SHERMAN: I am sorry, the question has been
10 asked and answered. Objection.

11 THE COURT: Objection is overruled.

12 BY MR. BENEDICT:

13 Q What if anything was it that Mr. Skakel said to
14 you in the course of this conversation that related to a
15 golf club specifically?

16 A That he was going through a bag and took out a
17 golf club and he was running through the woods with a golf
18 club in his hand.

19 Q And, you indicated the last thing he noticed was
20 pine trees or something like that?

21 A He was looking at pine trees and he was running in
22 the woods.

23 Q And, then what happened to him? He blacked out?

24 A He doesn't recall.

25 Q In the course of his conversation, did he relate
26 to you what was the next place he recalled being?

27 A In his house, he woke up the next day.

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01 Q In the course of the conversation, did he at any
02 point relate to you what he had been doing prior to the
03 time that he recalled himself going into the garage and
04 looking for a golf club?

05 A He made mention of there was a party going on and
06 there were other people around.

07 Q What if anything did Michael Skakel say to you in
08 the course of this conversation regarding his
09 responsibility for this murder in Greenwich, Connecticut?

10 A I don't understand.

11 Q Did he -- I think you indicated that he started
12 saying something about he didn't know and then he said
13 something else. Would you describe to Her Honor --

14 A He said he didn't know whether he did it and he
15 couldn't remember if he did it. And throughout the course
16 of the several hours or however long this conversation went
17 on, he eventually said that he in fact did it.

18 Q In the course of this conversation, were there
19 ever any other participants in it besides yourself and Mr.
20 Skakel?

21 A No, there were not.

22 Q Near the end of the conversation, did anybody
23 else, any other resident come along?

24 A Yes, there were two night owls on the porch.
25 There was also a night man and he goes from house to house
26 to house.

27 Q Do you recall who the night man was that night?

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01 A It was Harry Krannick.

02 Q Did Mr. Krannick come along at any point while you
03 were in the company of Mr. Skakel that night?

04 A Yeah. After our conversation, I related that to
05 Harry.

06 Q Was Harry Krannick present for any of the
07 statements that you have just related to the Court made by
08 Mr. Skakel?

09 A No.

10 Q Prior to this conversation when you two were
11 serving as night owls, had you had any awareness of any
12 involvement of Mr. Skakel in any prior crime, any murder,
13 anything like that?

14 A I didn't even know who he was. I didn't know
15 anything about him, really.

16 Q Do you have any idea why he would have confided in
17 you with this conversation that night?

18 A No.

19 MR. BENEDICT: Thank you, no further questions.

20 THE COURT: Attorney Sherman.

21 CROSS EXAMINATION BY MR. SHERMAN:

22 Q So, you weren't a close friend?

23 A Absolutely not.

24 Q In fact, you weren't even a friend at all?

25 A No.

26 Q Were you even an acquaintance?

27 A We all knew each other, if that is what you mean.

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01 Q But, you didn't know anything about Michael
02 Skakel, you didn't know about the fact that he was related
03 to anybody in particular and you didn't know anything about
04 this murder?

05 A No, sir.

06 Q Why did it take so long for you to tell Mr.
07 Benedict that he confessed to you? Why didn't you tell Mr.
08 Benedict that from the get go a few moments ago?

09 A I don't understand.

10 Q Mr. Benedict asked you what happened, what did
11 Michael Skakel say to you and you kind of dilly dallied a
12 little bit and Mr. Benedict finally had to pull out of
13 you yes, at the end of this, he said, I did it. Why did
14 that take so long?

15 A I couldn't answer that, I don't know.
16 Q Did Michael Skakel tell you that he committed this
17 crime?
18 A Yes, he did.
19 Q He told you that he did it in a blackout?
20 A Yes, he did.
21 Q And, those are his words, blackout?
22 A Yes.
23 Q Were those words ever suggested to you by anybody
24 else?
25 A No.
26 Q Did you ever lie about this to anybody?
27 A No.

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01 Q Not even to Inspector Garr?
02 A No.
03 Q You never gave him -- you never lied to him about
04 this?
05 A No.
06 Q Do you remember having a couple of conversations
07 with Inspector Garr not too long ago when he first
08 contacted you about this case? Did he ever call you on the
09 phone?
10 A Yes, he had.
11 Q Did Inspector Garr ask you whether or not you ever
12 heard Michael Skakel confess?
13 A Yes, he did.
14 Q What did you tell him?
15 A At the time, it may have been at the beginning of
16 our conversation where I was quite adamant about even
17 discussing the case to begin with.
18 Q And, the category of that is yes or no, what is
19 the answer?
20 A Would you ask the question again, please?
21 Q Sure. When Inspector Garr contacted you
22 initially about this case, did you lie to him? Yes or no?
23 A Yes, I suppose I could have.
24 Q What do you mean you suppose you could have?
25 A Well, by not telling him all of the truth, that
26 could be considered a lie. I didn't want to talk to this
27 guy or anybody else about it ever.

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01 Q So, by not telling him all the truth, that could
02 have been a lie? Is that your definition?
03 A That would be one definition, yes.
04 Q What is your definition of the truth?
05 MR. BENEDICT: Objection, that's for the finder of
06 fact.
07 THE COURT: How do you claim that question?
08 MR. SHERMAN: I don't claim it.
09 BY MR. SHERMAN:
10 Q Did you ever tell Detective Garr at this time
11 that, quote, unquote, I live by and die by the truth. Do
12 you remember saying that?
13 A Yes, I do.
14 Q What do you mean by that?
15 A What do I mean by that?

16 Q Yes, what did you mean by that?
17 A That I am an honest person.
18 Q But, when you told him that, you were lying to
19 him; right?
20 A I can't recall at this time.
21 Q Let's see if this refreshes your recollection.
22 Looking at this exchange right here, does that refresh your
23 recollection?
24 MR. BENEDICT: Refer to the page.
25 MR. SHERMAN: Page 16 and what I will do, Mr.
26 Higgins, is give you your own copy of this. So, let's
27 turn to page 16 right now and right in the middle, do

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01 you remember Inspector Garr saying to you why do you
02 think or why did he say he thought he committed this
03 murder. And, do you remember him saying that?
04 A Yes.
05 Q And, do you remember what your answer was when
06 Inspector Garr said to you why did he or did he say why he
07 thought he committed this murder, what was your response to
08 Detective Garr?
09 A I can't even understand the sentence that you just
10 read now.
11 Q I will do it a little slower. Do you remember
12 Inspector Garr, the gentleman right there seated to the
13 right of the table, saying to you why did he think or did
14 he say why he thought he committed this murder. Do you
15 remember him saying that?
16 A Yes.
17 Q And, what did you respond?
18 A He never even -- it was he did commit it, he
19 doesn't even know if he did commit the murder.
20 Q What did you mean by that?
21 A That he said he did commit it.
22 Q That means that he said he did commit it?
23 A Yeah, he never even -- it was not anything else,
24 it was he did commit it.
25 Q Your response is he never even -- it was he did
26 commit it. He didn't even know if he did commit the
27 murder?

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01 A He doesn't even know.
02 Q He doesn't even know and that's what you told
03 Detective Garr?
04 A Apparently so.
05 Q Is that a lie?
06 A I really don't know. I am having a hard time
07 even understanding that actual line. He never even -- it
08 was he did commit it, I mean --
09 Q Well, those are your words, do you remember what
10 you said?
11 A No, I didn't write any of this. This is what
12 somebody recorded off of some phone conversation or
13 something.
14 Q Let's go to page 11, some easier ones. The
15 bottom of the page, do you remember Inspector Garr saying,
16 okay, my information is that you and Michael had this talk,

17 okay. It was a conversation between you two and that's
18 why I am talking to you now. And, that's why, you know, I
19 want you to be up front with me in everything he told you.

20 Do you remember him saying that?

21 A Yes.

22 Q And, did you respond to him, well, I, I, pretty
23 much got you about everything that he told me. I mean, he
24 never specifically told me he killed anybody. I mean, he
25 never said that specifically.

26 Did you tell that to Inspector Garr?

27 A Yes.

00087

01 Q Was that a lie?

02 A Yes, it was.

03 Q Why did you lie?

04 A Because I didn't want to talk to him about this.
05 I didn't want to be implicated in it. I didn't want to be
06 part of it.

07 Q I thought you live and die by the truth?

08 A Apparently I don't do it perfectly.

09 Q How are we doing now today, is this the truth
10 today?

11 A Real well.

12 MR. BENEDICT: Objection.

13 BY MR. SHERMAN:

14 Q Please keep it open. Page 11, again. After you
15 said that he never specifically told me that he killed
16 anybody, I mean, he never said that specifically. After
17 you lied then, Inspector Garr said, are you sure about
18 that. Do you remember that? Do you remember Inspector
19 Garr saying are you sure about that?

20 A Apparently it is written here. I don't recall it
21 specifically but yes.

22 Q Does that refresh your memory? Am I making this
23 stuff up or does this refresh your recollection?

24 A I don't believe you are making this stuff up.

25 Q Okay; and, what did you say when Detective Garr
26 said are you sure about that? What did you say?

27 A Yeah, I am certain of it.

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01 Q You said yeah, I am certain of it. So, you lied
02 again; right? Any question about that?

03 A No.

04 Q No question about that?

05 A No.

06 Q Now, you have indicated here that you said a lot
07 of this happened -- you got the golf club in the garage,
08 you mentioned that on the stand when Mr. Benedict asked you
09 some questions. You don't actually remember him saying
10 garage; right. Your are just kind of paraphrasing it. He
11 never said garage; did he?

12 A Yes.

13 Q He probably said the house, he probably didn't say
14 garage; right?

15 A If it says in here garage, then that's what I
16 said.

17 Q Well, you say garage in your statement here about

18 35 times. Does that sound right to you?
19 A I really haven't counted, I wouldn't know.
20 Q Take a few minutes and page through that and see
21 if you can refresh your recollection as to whether or not
22 Michael Skakel told you that he picked the golf club out of
23 a garage?
24 A Yes, he did.
25 Q No question about that?
26 A No.
27 Q And, that he had a garage?
00089
01 A Yes.
02 Q What if you were to learn that that house had no
03 garage, would that surprise you?
04 A Not at all.
05 Q Wouldn't that change your testimony at all?
06 A It wouldn't change my testimony at all.
07 Q Why would he say that he found the golf club in a
08 garage in a house that has no garage?
09 A I don't make his story for him.
10 Q You just make your story for you; right
11 Now, he told you this what year, what time, what
12 date?
13 A The year was somewhere probably in 1978 or 1979.
14 Q It's about 22 years ago; right?
15 A Yes.
16 Q Now, the director of the program was who, Joe
17 Ricci?
18 A That is correct.
19 Q So, I assume the next day you spoke to Joe Ricci
20 and told him what happened; right?
21 A What would make you assume that?
22 Q Well, if someone told me that they committed a
23 murder, I would generally tell someone in an area of
24 responsibility about it; wouldn't you?
25 A No.
26 Q You would keep it to yourself? Yes?
27 A That is correct.
00090
01 Q And, you felt it necessary to keep it to yourself
02 for the rest of the week; correct?
03 A And throughout my life, yes.
04 Q Through 1978, 1979, 1980, 1981 and finally when
05 Harry Krannick, your friend, told you about a reward in
06 People Magazine, then it came out; am I right?
07 A Actually, no -- yeah, Harry told me that he read
08 about it in a magazine.
09 Q In People magazine?
10 A Yes.
11 Q Harry told you that he read about this case and
12 that there was a \$50,000.00 reward; am I right?
13 A Yes.
14 Q And, you did what?
15 A I made -- well, actually I didn't do anything as a
16 result of that but as a result of somebody else talking to
17 me about it, I called some --
18 Q You called Mrs. Moxley?

19 A No.
20 Q You didn't call Mrs. Moxley?
21 A No.
22 Q You called the Greenwich Police Department?
23 A No.
24 Q You called the State Attorney's office?
25 A No.
26 Q Who did you call?
27 A Well, I called the number on a TV screen for some

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01 mysteries show.
02 Q Unsolved Mysteries?
03 A I believe that was it.
04 Q America's Most Wanted or Current Affair?
05 A One of those.
06 Q And, you felt it appropriate to call them rather
07 than the victim or the State's Attorney or the police or
08 the corner cop or the Fed Ex guy, nobody?
09 A I found it convenient because the phone number was
10 on the television screen.
11 Q Don't you have information in your telephone
12 service to call the State Attorney's office? I will
13 withdraw it. It's argumentative.
14 How much is the reward?
15 A There is no reward.
16 Q Didn't you ask about a reward back then?
17 A Sure.
18 Q Why?
19 A Curiosity.
20 Q Just curiosity? Did you speak to Inspector Garr
21 about a \$50,000.00 reward?
22 A Yes, I did.
23 Q And, did he in fact tell you that it was up to
24 \$100,000.00?
25 A Yes, he did.
26 Q Have you made any claims for it?
27 A A year after it was withdrawn.

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01 Q Well, have you made any claim to it?
02 A Not at all, why.
03 Q If it is available, are you going to make a claim
04 for it?
05 A Not at all, why.
06 Q You are willing to sign a waiver saying you are
07 not going to claim a reward here?
08 A Sure.
09 Q No question about it?
10 A Right.
11 Q You are not in this for the money?
12 A No.
13 MR. SHERMAN: It's a little after one, I am not
14 finished.
15 THE COURT: I will take the luncheon recess at
16 this time until approximately 4 minutes after one.
17 (Whereupon, a luncheon recess was taken.)

18 * * * * *
19

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01 THE COURT: We will resume with the
02 cross-examination. I will remind you, sir, you are
03 still under oath.

04 BY MR. SHERMAN:

05 Q Mr. Higgins, at some point you testified before
06 the Grand Jury in this case; correct?

07 A That is correct.

08 Q And, when you testified before the Grand Jury, I
09 assume you spoke to members of the staff of the State's
10 Attorney; is that correct?

11 A Yes, I did.

12 Q And, did you have many conversations, did you have
13 just one or two? Did they meet you several times? How did
14 that occur?

15 A During the course of the Grand Jury?

16 Q Yes.

17 A I don't remember how many conversations I had with
18 them.

19 Q But, before you testified before the Grand Jury,
20 you were visited by Inspector Garr; correct?

21 A Yes, I was.

22 Q How many times?

23 A One time.

24 Q And, when he came, was there any problem in your
25 meeting with him?

26 A No.

27 Q You readily agreed to meet with him; correct?

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01 A Yes.

02 Q And, were there any conditions on that?

03 A Not that I recall.

04 Q Do you recall telling him that you would meet with
05 him but that you wouldn't be tape recorded, that you
06 wouldn't take a polygraph test, that you wouldn't undergo
07 hypnosis and that you wouldn't sign a formal statement?

08 A No, I do not.

09 Q You don't recall that at all?

10 A No, I do not. As a matter of fact, I agreed to
11 take a polygraph.

12 Q And, did you?

13 A No, I did not.

14 Q Why not?

15 A Something came up that day personally that
16 prevented me from doing so.

17 Q How long ago was that?

18 A I imagine about three years.

19 Q Did something come up every day for the last three
20 years to prevent you from taking that polygraph?

21 A Never was asked again.

22 Q Did you cancel the polygraph or did someone else?

23 A I did.

24 Q What came up?

25 A A personal matter.

26 Q What personal matter?

27 A Something personal came up and I didn't want to do

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01 that at that time.

02 Q Well, you were asked to be a witness in a murder
03 case. I would have to imagine that the personal matter
04 that prevented you from taking that polygraph was pretty
05 important.

06 MR. BENEDICT: Objection to the relevance of this
07 line. Counsel knows polygraphs are not admissible.

08 MR. SHERMAN: I am allowed to test his
09 credibility. It is a hearing pertaining to a trial for
10 murder. It is his credibility and only his credibility
11 that is at issue and his capacity to remember and
12 recollect events. I think it's totally germane.

13 THE COURT: And, your question currently is what?

14 MR. SHERMAN: What prompted you to cancel the
15 polygraph test that you agreed to take with the State's
16 Attorney's Office, does he remember, what was it.

17 THE COURT: And, is that the question that you are
18 objecting to?

19 MR. BENEDICT: That's objected to. It's also
20 collateral.

21 THE COURT: The objection is sustained.

22 BY MR. SHERMAN:

23 Q Did you ever reschedule the polygraph test?

24 A I was never asked about a polygraph again.

25 Q Did you ever volunteer for it?

26 A No, I did not.

27 Q Let me show you something that is a report of

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01 Detective Garr, if you could read that to yourself, the
02 highlighted portion, and tell us whether or not it
03 refreshes your recollection as to whether or not you placed
04 conditions about your meeting with Inspector Garr?

05 A What was your question?

06 Q My question was, did those words refresh your
07 recollection that you agreed to meet with Inspector Garr,
08 but refused to be tape recorded, refused to be polygraphed,
09 refused to sign a formal statement and didn't want to
10 undergo hypnosis. Does that refresh your recollection,
11 that's what happened?

12 A Yes, it does.

13 Q And, is that in fact what happened?

14 A Actually, I did sign it.

15 Q So now that you have read that, you now do
16 remember that when you met with Detective Garr, you did so
17 under the provision that you would not be tape recorded; am
18 I right?

19 A That is correct.

20 Q And, that you would not sign a formal statement;
21 am I right?

22 A Yes.

23 Q And, that you would not take a polygraph test; am
24 I right?

25 A The polygraph was not at issue at that time. The
26 hypnosis was at issue. The polygraph, I don't recall
27 that. I had agreed to take a polygraph as I previously

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01 stated.

02 Q Well, didn't you kind of agree that you would
03 think about it?
04 A Yeah. I agreed and then I said I will see you
05 tomorrow at 11:30.
06 Q Well, let's take a look at this report here.
07 Look at the last paragraph and does that refresh your
08 recollection as to whether or not you finally agreed to or
09 didn't agree to take the polygraph?
10 A This last paragraph?
11 Q Yes.
12 A What was the question?
13 Q Does that refresh your memory as to that you went
14 back to Inspector Garr saying I will take it or I won't
15 take it?
16 A No.
17 Q That does not refresh your recollection?
18 A No.
19 Q It does not. What does it say?
20 A Would you like me to read it?
21 MR. BENEDICT: Objection, it doesn't refresh his
22 recollection, end of story.
23 THE COURT: Objection sustained.
24 BY MR. SHERMAN:
25 Q After reading that, you have no memory of telling
26 Inspector Garr I have thought about it and I am not going
27 to take the polygraph?

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01 A No, I do not recall that.
02 Q You don't recall it but is that what happened?
03 MR. BENEDICT: Objection.
04 THE WITNESS: I believe I said I don't recall
05 it.
06 BY MR. SHERMAN:
07 Q But, you never took the polygraph?
08 A That is correct.
09 Q And, if I put Inspector Garr on the stand, you and
10 he will have the same story, that you agreed to take a
11 polygraph test?
12 MR. BENEDICT: Objection, irrelevant.
13 THE COURT: The objection is sustained.
14 BY MR. SHERMAN:
15 Q Okay, but in the meantime, you have told us two
16 stories now, that you agreed to be tape recorded but then
17 that you did not agree to be tape recorded; am I right?
18 A No.
19 Q Didn't you say just about seven minutes ago when I
20 asked you the first time, when you met with Inspector Garr,
21 that it was under certain conditions that you wouldn't be
22 tape recorded, that you wouldn't be polygraphed, that you
23 wouldn't take hypnosis and that you wouldn't give a formal
24 statement and you said no, none of that is true. Then I
25 asked you --
26 A I did not say none of that is true.
27 Q You didn't?

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01 A Not that I recall. If that was true, I never
02 would let him record the conversation.

03 Q And, you have been telling us for the last 12
04 minutes the same story?
05 A I believe so, yes.
06 Q So, let me see if I got this straight. So, you
07 would not allow him to tape record your statement; right?
08 A That is correct.
09 Q Why?
10 A I didn't want him recording my conversation.
11 Q And, the reason is?
12 A I wanted --
13 Q What?
14 A You want a reason why that I didn't want him to
15 record the conversation?
16 Q Yes.
17 A Because I was really hoping that he would go to
18 some other venue to find what he needed to prosecute this
19 case and then I could go on my merry way. I didn't want
20 to be involved with it. I wanted it to go away. That
21 was the best idea I could come up with. I didn't want to
22 sign anything. I didn't want to have anything to do --
23 Q And, that's in fact why you didn't take the lie
24 detector test; is that right?
25 A No, that is not why.
26 Q And, you didn't want to go through hypnosis;
27 right?
00100
01 A That is correct.
02 Q And, you never wanted to give a formal statement;
03 right? Is that right?
04 A Yes, that is correct.
05 Q And, when you finally met with Inspector Garr, you
06 gave a bunch of bologna; didn't you?
07 A I don't understand the question.
08 Q Okay; when you met with Inspector Garr, and if you
09 would look at page 21 on your follow along book there, do
10 you recall Inspector Garr saying and, I know, I know there
11 is more and, you know, I want you, I want you to be free
12 and feel free to tell me the whole story. Do you remember
13 him saying that?
14 A Yes, I do.
15 Q And, then you say at some point, right now I just,
16 the amount of things that I remembered -- Inspector Garr
17 says right. And you finished, are pretty much, I told
18 you. And Inspector Garr, do you remember him saying, but,
19 you know, there is more. I mean, is that a fair
20 statement. And, did you say no, I don't know that there
21 is more. And you were telling him that there was no
22 confession at that point; is that correct?
23 A Apparently what I said is I don't know if there is
24 more so I wasn't giving him a definitive answer in any way,
25 no.
26 Q Okay, let's go about three or four lines later,
27 maybe you do have a definitive answer. Inspector Garr says
00101
01 to you, in other words, you told me everything that you
02 know. Is that what he asked you?
03 A Yes, that is what he asked me.

04 Q And, what did you respond to him?
05 A If you believe -- if, believe me, if I had a
06 confession from him, I would give it to you.
07 Q What does that mean?
08 A That means if I -- that means I wanted Frank to go
09 away.
10 Q It means you lied to him; yes?
11 A I definitely definitely lied to him.
12 Q Without question?
13 A I was trying to protect myself.
14 Q Why? Was somebody threatening you?
15 It's an easy question. Who threatened you?
16 A Nobody threatened me.
17 Q And, a few lines later, if you look at page 22,
18 you say to Mr. Garr, Inspector Garr, let me tell you
19 something about myself. And Inspector Garr says go
20 ahead. And, you say I live and die by the truth. Am I
21 right?
22 A That is correct.
23 Q And, what is your next line to Inspector Garr?
24 A And, I never ever lie.
25 Q You told Inspector Garr and I never ever lie and
26 there you are lying about lying; aren't you?
27 A It is a personal --

00102

01 Q He isn't accusing anybody with murder here; is
02 he?
03 MR. BENEDICT: Objection, argumentative.
04 THE COURT: The objection is sustained.
05 BY MR. SHERMAN:
06 Q Now, you had two conversations with Inspector Garr
07 at the get go; right?
08 A Where was that?
09 Q He called you; right?
10 A Yes.
11 Q And, did you know he was tape recording your
12 conversation?
13 A No, I did not.
14 Q Are you happy about that?
15 A Very displeased.
16 Q Why?
17 MR. BENEDICT: Objection, relevance.
18 THE COURT: How do you claim it?
19 MR. SHERMAN: I don't claim it, Your Honor.
20 THE COURT: The objection is sustained.
21 BY MR. SHERMAN:
22 Q And, you told Inspector Garr, if you look at page
23 1, when he asked you about the murder of Martha Moxley and
24 that you may know something, you said well, it is
25 interesting that anyone else would know that I know other
26 than a few select people. Do you remember that?
27 A That is correct.

00103

01 Q Who were the few select people?
02 A Who were the select people that I had told?
03 Q Well, you say it is interesting that anyone else
04 would know that you know about this other than a few select

05 people.
06 A That is correct.
07 Q How would select people know about this?
08 A Because I told them about it.
09 Q Because you told them, not because Michael Skakel
10 confessed to anybody else; correct?
11 A I couldn't answer to that question, I don't know.
12 Q Are you aware that Michael Skakel confessed this
13 murder to anybody else; yes or no?
14 A I have no idea.
15 Q So, you don't know?
16 A All I know is about me.
17 Q So, you cannot tell us that you know that Michael
18 Skakel ever said I killed Martha Moxley to anybody but John
19 Higgins; right?
20 A Right.
21 Q All roads lead to you here. Anybody who says
22 they heard it from you, they heard it from you, not from
23 Michael; am I correct?
24 A That is correct.
25 Q And, you told Harry Krannick; correct?
26 A Yes.
27 Q And you told Chuck Seigan; correct?
00104
01 A Yes.
02 Q And, then you lied to Frank Garr and then you told
03 him he did it; right?
04 A Yes.
05 Q Did you tell the people from America's Most
06 Wanted, Unsolved Mysteries, A Current Affair or anyplace
07 else?
08 A I didn't talk to any of them.
09 Q You did call them; right?
10 A On the phone.
11 Q Why did you hang up?
12 A I didn't think that was the best place to do what
13 I was doing.
14 Q And, what were you doing?
15 A Struggling with something that I had to deal with
16 sooner or later in some way or another.
17 Q Struggling with something you had to deal with
18 sooner or later in one way or another. And, it never
19 crossed your mind to call Mr. Benedict, Mrs. Moxley or
20 anybody else?
21 A Absolutely not.
22 Q Why?
23 A I was dealing with it in my own way.
24 Q Anybody else ever confess a murder to you?
25 A No.
26 Q Never?
27 A No.
00105
01 Q Did people normally confess to you? Are you
02 someone that people normally confide in?
03 A Yes.
04 Q Why is that?
05 A I can't answer for other people. That would be

06 for them to answer.

07 Q You just have a way with people that they want to
08 pour their heart out to you?

09 A Apparently.

10 Q And, did people confess other crimes other than
11 murder to you while you were at Elan?

12 A I don't see why this matters.

13 Q This guy says --

14 MR. BENEDICT: Objection, it's way beyond the
15 scope of direct.

16 THE COURT: The objection is sustained.

17 BY MR. SHERMAN:

18 Q The first time you told Mr. Garr, Inspector Garr,
19 if you would look at page 2 and 3 of that little book
20 there, the first time you told Inspector Garr that Michael
21 ever had a conversation with you about this, do you recall
22 what you told him?

23 A Would you like me to read page 2 and 3? I don't
24 recall right now.

25 Q If you could look at the bottom, did you tell
26 Inspector Garr we got into a conversation about the fact
27 that he didn't know whether he murdered somebody or not?

00106

01 A Is this the bottom of 2?

02 Q Bottom of 2.

03 A Okay, yes, I remember that.

04 Q And, do you remember telling Inspector Garr that
05 he told me he remembers being in his garage -- and, you
06 specifically remember a garage. There is no question
07 about that; right?

08 A Yes.

09 Q Have you thought about that in the meantime?

10 A It's what I remember.

11 Q No question?

12 A It's what I remember.

13 Q Did you speak to the State's Attorney during the
14 recess to try and clear this up or anything like that?

15 A That's what I remember.

16 Q It's garage?

17 A That's what I remember, yes.

18 Q And, that he remembers waking up back in his house
19 and his big dilemma at the time, top of page three, was
20 that he doesn't know if he did it or not and he doesn't
21 know if he murdered anybody or not. Is that correct?

22 A This is the top of page three?

23 Q Yes. Do you remember telling Inspector Garr
24 that?

25 A Yes, I do.

26 Q And, of course, you were lying back then? You
27 were lying to Inspector Garr then? Yes? No?

00107

01 A What exactly are you referring to me as lying
02 about?

03 Q On the top of page three, that recorded
04 conversation which you didn't know was being recorded, you
05 told Inspector Garr that he has told you that he doesn't
06 know if he did it. Yet, you told us today that you know

07 that he did do it.

08 A At three different times during our conversation,
09 he didn't know whether he did it until he came to that
10 conclusion.

11 Q So, he kind of worked his way through; right?

12 A That is correct.

13 Q Now, at the bottom of four, Inspector Garr asked
14 you how the whole subject came up. Do you remember what
15 you told him?

16 A This is the bottom of four?

17 Q Yes.

18 A The last paragraph.

19 Q Yes.

20 A Yes.

21 Q And, you were talking at that point about the
22 conversation between you and Michael Skakel; am I right?

23 A That is correct.

24 Q And, did you say well, when we were up there
25 because our parents thought we were, thought we were
26 half-baked so we almost always were talking about our past,
27 what brought us there and that kind of thing, and I guess
00108

01 Michael, Michael probably just decided that he wanted to go
02 out with this for some reason or another and he just
03 started talking about it. I mean, this is like so many
04 years ago I can't remember exactly the conversation.
05 Right?

06 A Correct.

07 Q So, you told Inspector Garr at that point that you
08 couldn't remember exactly the conversation; right?

09 A Absolutely.

10 Q And, did Inspector Garr then try and convince you
11 to remember more?

12 A Certainly. He asked me to think about it, yes.

13 Q Do you remember what he said?

14 A Not exactly, no.

15 Q Top of page five, do you remember Inspector Garr
16 saying I understand that, but I am going to, I am going to
17 beg you to please try as best you can to remember this.
18 Obviously I don't have to tell you that it is very
19 important. And then you say yeah.

20 Do you remember Inspector Garr then saying so, you
21 know, maybe through talking, talking about it here a little
22 bit now, you know, things may start coming back to you. So
23 the thing was that everybody more or less up there talked
24 about the reason that they were there. Do you remember
25 Inspector Garr saying that?

26 A Sure.

27 Q The more you talk about it, the more you
00109

01 remembered it; is that the way it worked?

02 A The more you tried to remember it, the more you
03 remembered it. There was no one to talk about it with so

04 --

05 Q Well, did you remember that the murder occurred
06 near Halloween?

07 A Yes.

08 Q Did you remember it or did Inspector Garr tell you
09 about it?

10 A I couldn't recollect right now.

11 Q Go to the top of page six and maybe it will
12 help. Do you remember Inspector Garr saying so it's
13 around Halloween?

14 A I don't know where you are talking. This is
15 something that Frank said here?

16 Q Yes. Did he confirm to you that it was
17 Halloween?

18 A Let me read all this and I will see. This is the
19 top of page --

20 Q You know, skip it. Let's go to someplace else.
21 Let's go to the top of page 7. You indicated today that
22 you believe that Michael Skakel told you he did this or may
23 have done this or could have done that in a black out; is
24 that correct?

25 A Yes.

26 Q I think I asked you at the beginning of your
27 testimony whether he said blackout or whether or not it was
00110

01 suggested to you. Do you recall that?

02 A Yes.

03 Q What was your answer to that, if you recall?

04 A I believe that Michael said blackout.

05 Q Let's look at the fourth line or fifth line on
06 page 7, the transcript of the conversation which you did
07 not know was being tape recorded between you and Inspector
08 Garr. Do you recall Inspector Garr saying to you okay,
09 so, you know, it shouldn't be that hard to remember things
10 if, unless he is saying, did he mention he blacked out, is
11 that part of the conversation. Do you remember Inspector
12 Garr saying that now?

13 A Yes.

14 Q What was your response?

15 A I think he did mention blackout.

16 Q And, your response is yeah, I think he did mention
17 blackout. As a matter of fact, I think he mentioned that
18 he thinks he was in a blackout. Right?

19 A Correct.

20 Q So, whose idea, whose suggestion was blackout,
21 yours or Inspector Garr's?

22 A I think it was probably Michael's otherwise I
23 wouldn't have recalled it that way.

24 Q But, Michael is not on the phone with you tape
25 recording. It was Inspector Garr who says to you, well,
26 maybe it was in a blackout. It came from Inspector Garr
27 first; didn't it?

00111

01 Take a look at page 7, fifth line down. Who is
02 the first person who mentions the possibility of a
03 blackout, you or Inspector Garr?

04 A Frank Garr was the one who used that particular
05 phrase, you are correct.

06 Q Thank you. And then Inspector Garr asked you
07 well, did he talk about the blackout and how did he black
08 out and did Inspector Garr say well, did he mention

09 anything about drinking, using any drugs or anything like
10 that that would cause a blackout. Do you recall your
11 answer, it's in the middle of page 7?

12 A Not that I can recall.

13 Q So, even though you now remember that he said
14 something happened in a blackout, you have no recollection
15 and had no recollection then of why he would have blacked
16 out; correct?

17 A That is correct.

18 Q Now, as you tried to recall this, has anything
19 else come back as to why he would have been in a blackout?
20 Was it an epileptic seizure?

21 A No.

22 Q Was it some type of physical ailment?

23 A No idea.

24 Q Nothing?

25 A No.

26 Q Now, you were worried about getting involved in
27 this case; right?

00112

01 A Yes.

02 Q Do you remember when Inspector Garr said to you at
03 the bottom of page 8 as far as keeping you out of this?

04 A Yes.

05 Q Do you remember him saying, and I am going to give
06 you an opportunity now to get it off your chest and, you
07 know, I know you are probably concerned with involvement
08 and all that stuff. And like I told you before, we are all
09 on the same side here so I am going to do whatever I can,
10 you know, to keep you out of it, you know, as best as we
11 can and to work with you in those areas. Do you remember
12 him saying that?

13 A Um-uh.

14 Q And, then do you remember what you said to him at
15 the top of page 9? What did you say to him?

16 A I said okay, let me ask you something.

17 Q And, he said sure. And what did you ask him?

18 A Whether I can be subpoenaed for giving you this
19 information or whether this information can be subpoenaed
20 or not.

21 Q Specifically, you said is my talking to you right
22 now, is there any way that I can be subpoenaed to give you
23 this information?

24 A That is correct.

25 Q Why were you concerned?

26 A I didn't want to be involved in this case.

27 Q What did Inspector Garr tell you, whether or not

00113

01 you could be subpoenaed?

02 A He said that no, I could not be subpoenaed.

03 Q And, were you subpoenaed?

04 A No, I haven't been subpoenaed. I have been given
05 copies of subpoenas. But, no, I volunteered everything
06 when I came here.

07 Q Why would they give you copies of subpoenas?

08 A I don't know. It's their business not mine.

09 Q You didn't want to come here; did you?

10 A Still don't want to be here right now.
11 Q I can imagine. Inspector Garr lied to you;
12 didn't he?
13 A I can't make up for his shortcoming.
14 Q In fact, you went on to ask him, okay, so you guys
15 couldn't subpoena me to come in and give this information
16 and give this statement. You asked him that; right?
17 A Yes.
18 Q And, he said well, let me -- that isn't completely
19 out of the question, no. But, you know, I would rather not
20 do that. And, you replied what?
21 A Where are we now?
22 Q On the top of page 9.
23 A We would all rather that didn't happen.
24 Q And, you would rather that not have happened?
25 A I would rather it didn't happen right now.
26 Q And, you would rather be anyplace else on the face
27 of this earth than that witness stand right now; am I

00114

01 right?
02 A No question about it.
03 Q And, at this point, it is towards the end of the
04 conversation, Inspector Garr doesn't feel you are being
05 honest with him. Do you agree with that?
06 A I would say yeah.
07 Q And, he appeals to you. You say well, bottom of
08 11, I pretty much got, got you about everything that he
09 told me. I mean, he never -- excuse me, you said he never
10 specifically told me that he killed anybody. I mean, he
11 never said that specifically. You finally said that to
12 Inspector Garr and you are lying. And he says are you
13 sure about that and you say yeah, I am certain of it.
14 Then Inspector Garr asked you about a party, the
15 top of page 12. He asked you what you remember and what
16 did you say that he remembers, at the top of page 12?
17 A He remembers being in his garage.
18 Q You keep talking about that garage. How do we
19 deal with that, John, because we have heard that there was
20 no garage. Who is wrong here?
21 A I couldn't tell you. I can only tell you what I
22 told him and what Michael told me.
23 Q You indicated that Michael Skakel had told you
24 about being at a party; correct?
25 A Yes.
26 Q Do you remember when the party was?
27 A No.

00115

01 Q In fact, Inspector Garr said, was the party during
02 the day. Do you remember what you told him?
03 A That I didn't think it was during the day.
04 Q Why did you think it was during the night?
05 A Generally parties are at night.
06 Q And, that's exactly what you said, right, at the
07 top of page 14. I just imagine that it was, I don't
08 believe, I don't believe he mentioned whether it was day or
09 nighttime, that generally parties are at night. So, you
10 were guessing?

11 A Yes.
12 Q Did you guess about anything else in here?
13 A I don't know. I would have to go through point
14 by point in every single thing in here to answer that
15 question.

16 Q Inspector Garr asked you what he told you about
17 the girl who was murdered; correct?

18 A Yes.

19 Q And, you told him he didn't say anything about the
20 girl at all, never her name, nothing; right?

21 A Not at all.

22 Q And, you indicated to him that you never heard her
23 name, I never even knew anything about this case. To be
24 quite honest with you, I didn't even know if any of it was
25 real when he was telling it to me. I mean, as far as I
26 knew, he could have been a delusion maniac. I had no idea
27 and it wasn't until ten years later that I finally heard
00116

01 about it. So I never heard anything about her family, any
02 relation to their family or anything. Is that correct?

03 A Yes.

04 Q So, you heard this first, when, in 19 --

05 A 1978, probably.

06 Q And, you never heard about the murder of Martha
07 Moxley until 1988?

08 A That is correct.

09 Q And, you never heard anybody else at Elan talking
10 about Michael Skakel and the possibility of him murdering
11 someone?

12 A That is correct.

13 Q You never heard anything about that?

14 A That is correct.

15 Q The only person he confided in at Elan was you?

16 A To the best of my knowledge.

17 Q Had anybody else said to you, did you hear about
18 Michael Skakel, he confessed to that murder or he may have
19 done that murder, nothing?

20 A Not at Elan, no.

21 Q Page 13, Inspector Garr asked you about the woods,
22 he was running through the woods. He asked you did he
23 mention where the woods were. What did you tell him?

24 A Are we talking about assuming that there was woods
25 around his house?

26 Q Yes.

27 A Would you like me to read what I said?

00117

01 Q Yes.

02 A I can't think of anything he said about running
03 through the woods.

04 Q Did you indicate to him, oh, yeah, he left his
05 garage -- here you go with the garage thing again, right.
06 When he leaves his garage, he is in the woods. His house
07 is like in the woods or something, because he said he left
08 his garage and he was running in the woods. Is that what
09 you told him?

10 A That's what I told him.

11 Q And, then Inspector Garr asks you about two lines

12 later, why did he think or did he say why he thought he
13 committed this murder. Do you remember Inspector Garr
14 asking you again?

15 A Yes.

16 Q And, what was your response?

17 A Is that on 16 also?

18 Q 16, when Inspector Garr says to you, why did he
19 think or did he say why he thought he committed this
20 murder, what did you tell Inspector Garr then?

21 A Didn't we just go over this exact same sentence?

22 Q No, it's the same thoughts and the same lie but it
23 is a different sentence. They kind of bunch together, I
24 guess. What did you say to him?

25 A It's written in exactly the same way.

26 Q Yeah. What did you say?

27 A He never even, it was he did commit it, he doesn't

00118

01 even know if he did commit the murder.

02 Q So, you lied to him again saying he doesn't know
03 if he committed the murder. Is that a lie?

04 A I have an extremely hard time even understanding
05 this sentence.

06 Q What do you think it says? He doesn't even know
07 if he did commit the murder, is that what you said?

08 A That's the last part of the sentence, he never
09 even, it was he did commit it. I don't know who wrote
10 this or where it came from.

11 Q Well, is this an accurate translation of what you
12 said, at least the later half, he doesn't even know if he
13 did commit the murder. Did you tell that to Inspector
14 Garr?

15 A More than likely, yes.

16 Q And, that's a lie?

17 A I don't know, it depends on the part of the
18 conversation.

19 Q Let's talk about that. Why wouldn't it be a lie?

20 A It would be a lie.

21 Q Did you say those words?

22 A I did, yes.

23 Q Is it a lie?

24 A Yes, it is.

25 Q So, why play games?

26 A I don't know.

27 Q Neither do we. Let's go to the next page. Let's

00119

01 go to page 18. Inspector Garr asks you, who else was
02 there when you had this conversation and you told him only
03 you; right?

04 A That is correct.

05 Q And then Inspector Garr asks you how does Harry
06 Krannick know about this; right?

07 A That is correct.

08 Q How did Harry Krannick know about it?

09 A I told him about it.

10 Q Harry has no independent knowledge of Michael
11 Skakel committing this murder; right?

12 A I wouldn't know that.

13 Q It all comes through you?
14 A I wouldn't know that.
15 Q You don't know about it, though?
16 A I don't know everything Harry knows.
17 Q And, then Inspector Garr asks you, okay, when did
18 you finally realize that the murder did occur and that this
19 wasn't just a, would you say some deranged person
20 talking. Why did you call us? Why not call the
21 Greenwich Police or some authority?
22 A I could start over again, I wanted no involvement
23 in it.
24 Q And, that's why?
25 A Yeah.
26 Q Yet that's not what you told Detective Garr on the
27 phone that day; is it?

00120

01 A I don't know. What did I tell Detective Garr?
02 Q Let's read along. Didn't you say, well,
03 actually, Harry, Harry Krannick called me to tell me about
04 it. He had read that People Magazine or I think it was
05 People and there was a story, the whole thing was in the
06 magazine. And he called to tell me they were offering a
07 \$50,000.00 reward for information leading to the arrest of
08 this murderer of this Moxley girl. To which Inspector Garr
09 says it has been increased to 100,000 and what did you then
10 say?
11 A Oh, that's special but it's --
12 Q What's special?
13 A I couldn't answer that, I don't know.
14 Q Inspector Garr just told you that the reward money
15 has been upped from 50 to \$100,000.00 and your response is
16 that's special, not let's turn the murderer in, but quote
17 unquote, that's special. Is that what you said?
18 A Yeah, I would have to say that's a fairly
19 incomplete sentence. That may have been the start of a
20 sentence but I would say it is not complete.
21 Q What do you think you said after that?
22 A I couldn't possibly recollect.
23 Q So, do you think that Inspector Garr or Mr.
24 Benedict's office somehow twisted this conversation because
25 this is not a conversation you had with me or with Michael
26 Skakel, you had it with Inspector Garr. They are the ones
27 that recorded this. Are you aware of that?

00121

01 A Yes, I am.
02 Q And, in the spirit of cooperation and the rules of
03 practice they gave us this conversation which I know you
04 are not happy about; right?
05 A Hey man, whatever.
06 Q You don't think they twisted this around to make
07 your words say something else; do you?
08 A It's not for me to be concerned with.
09 Q What does that mean?
10 A There's nothing I can do about what is written
11 here.
12 Q Do you trust the accuracy of these words? Are you
13 saying that they are lying?

14 A Certainly that broken sentence that we referred to
15 twice now, I speak very well and I don't believe I would
16 make such an idiotic statement.

17 Q You know what, we've got the tape, if we played
18 the tape. You hanging around for a couple of days?

19 A No, I am not, actually.

20 Q Maybe we can work it out. So, he tells you it
21 has been increased to \$100,000.00 and at that point, you
22 still don't call Mrs. Moxley. You don't call the State
23 Attorney's office or anybody. You call the T.V. show;
24 right?

25 A What TV show are you referring to?

26 Q That's my question. You indicate it was either A
27 Current Affair or America's Most Wanted, one of those;
00122

01 right? You don't remember which one?

02 A One of those shows, yeah.

03 Q And, Inspector Garr said, quite naturally, what
04 did you call for, why did you call them? It's on page
05 20. And you say oh, I wanted to talk to somebody about
06 the information I had. Right? And, Inspector Garr very
07 logically says to you, well, were you aware of who was
08 conducting the investigation at that time and you said no?

09 A Yes.

10 Q Who did you think was conducting the
11 investigation?

12 A I don't know.

13 Q Well, did you know where the girl was killed?

14 A Yes.

15 Q Where?

16 A In Connecticut.

17 Q What town?

18 A Greenwich.

19 Q High school graduate?

20 A No.

21 Q When did you drop out?

22 A My junior year.

23 Q John, I am not here to embarrass you about an
24 educational deficiency. I am just asking you is it
25 logical, anybody, if they went through second grade, for
26 them to know that if the crime was committed in Greenwich
27 that Greenwich would be investigating it?

00123

01 A It's quite obvious for somebody in second grade to
02 figure out that, thank you.

03 Q Second grade, that if it is committed in
04 Greenwich, Greenwich is investigating it. You could figure
05 that out; right?

06 A Apparently not.

07 Q Inspector Garr was a little frustrated. He said
08 to you so you didn't know how to get ahold of us. Do you
09 remember that, right in the middle of page 20. What did
10 you say?

11 A Let's see, what did I say? Yeah, I most certainly
12 did.

13 Q So, you did know, second grade or 15th grade, you
14 knew; right?

15 A That is correct.
16 Q And, Inspector Garr very justifiably like a good
17 cop says to you, so why didn't you call one of us, I am
18 just curious as to -- and what did you say?
19 A I said that would be.
20 Q That would be?
21 A I don't know what that means but apparently that's
22 what I said.
23 Q Neither do we. Inspector Garr says is that
24 because of Harry. You say no, no, Harry didn't, didn't
25 give me any information one way or the other, and I don't
26 know why I didn't, why I didn't just call you guys.
27 Inspector Garr says okay and you said I don't know why?

00124

01 A I hung the phone up on the lady that I was talking
02 to on the phone and I never did another thing about it.
03 Q How do you live with yourself knowing that you
04 were letting the mother of a murder victim totally live in
05 this horror when you knew who the murderer was?

06 MR. BENEDICT: Objection.

07 THE COURT: The objection is sustained.

08 BY MR. SHERMAN:

09 Q Page 21, Inspector Garr is still not satisfied and
10 you don't know this conversation is being tape recorded and
11 he says to you, but, you know, there is more. I mean, is
12 that a fair statement? And, do you remember saying to him,
13 I don't know that there is more. And he presses you more
14 and says well, I mean, I think you know more and you are a
15 little, just a little hesitant to share it all with me.
16 Is that a fair statement. And, you, again, say no, I
17 would not say that's a fair statement. He says no, and
18 you say no. And Inspector Garr lays it right out. In
19 other words, you told me everything you know and you said
20 to him, if, believe me, if I had a confession from him, I
21 would give it to you. And, you lied to him; right?

22 A Didn't we just go through this? Yes, that is
23 correct.

24 Q Thank you. Inspector Garr presses you a little
25 bit more. He thinks you know something or he thinks you
26 want to tell him something. He says, okay, my information
27 is that along with what you told me is that Michael did at

00125

01 one point, only once, tell you that I killed her and I got
02 that from a couple difference places. Michael told you one
03 evening, you know, I did and he never mentioned it again to
04 you. I don't know if that's factual or not but that he
05 did say yeah, I did it. And, you say see, there is a very
06 inherent problem with that statement.

07 Do you remember that, top of page 22?

08 A Yes, okay.

09 Q What was the inherent problem with that statement?

10 A It specifically involves me telling him something.

11 Q And, you didn't want to tell him anything; right?

12 A Yes.

13 Q But, then you say let me tell you something about
14 myself. Am I right, is that what you said to Inspector
15 Garr?

16 A Yes, that is.
17 Q And, what did you say to him?
18 A I live and die by the truth.
19 Q And, you follow it up with and I never ever lie.
20 THE COURT: Is that a question, Attorney Sherman?
21 BY MR. SHERMAN:
22 Q Yes, and you followed it up with and I never ever
23 lie; is that right?
24 A Apparently that's what I did.
25 Q Well, apparently or really or truthfully. Is
26 that what you said? You said it; right?
27 A That's what I said.

00126

01 Q And, you lied; right? Yes or no question.
02 A Yes.
03 Q You talk about your work, that you were out of
04 work or something because of a genetic injury, by the way?
05 A A genetic injury? I don't know what that means.
06 Q Page 26. I am not sure I understand what it
07 means either.
08 A Okay.
09 Q What does that mean? What is a genetic injury?
10 A There was a genetic flaw in the length of my
11 clavicle and there was an injury to one of my rotator
12 cuffs.
13 Q Is that why you were out of work? I think he
14 asked you -- were you hurt on the job?
15 A Yes, I was.
16 Q Top of page 27, Inspector Garr is asking you again
17 about telling the truth. Do you remember what you said,
18 top of page 27? Did you say well, one of the -- one of
19 the main things is no matter what I tell you, it is not
20 going -- it's not going to help you get this guy to
21 Court. Everything I say is hearsay and it really doesn't
22 mean that much. Did you say that?
23 A Yeah.
24 Q What do you mean by that?
25 A Well, whatever Michael told me, there was nobody
26 else there witnessing it. So as far as a layman, I have no
27 idea whether it means anything or not but to me, it meant

00127

01 nothing. So the whole conversation with Frank as far as I
02 was concerned was useless.
03 Q What do you mean to you it meant nothing?
04 A Well, I couldn't -- it was fruitless for me to do
05 anything with it.
06 Q Why?
07 A I don't know. I am a layman, not an attorney.
08 Q If somebody confesses a murder to you, don't you
09 think that's significant?
10 Let's go to page 30. Inspector Garr again is
11 making sure that he has got all the information from you.
12 And, he gives you about two very long speeches which I am
13 not going to bore everybody with but he is trying to get
14 you to say something that you don't want to say. And, do
15 you remember finally saying to him, third down on page 30,
16 well, the only, the only reason that it is, that it's, I

17 mean, I gave you pretty much of the information.

18 Do you remember saying that?

19 A Yes, I remember saying that.

20 Q And, you were lying again; right?

21 A That's correct.

22 Q Thank you. Let's go to page 32. Inspector Garr
23 is basically begging you to tell him more, to tell him --
24 he asks you to say something else and he tries to say --
25 and he says to you at the top of page 32, absolutely, he
26 wants you to talk but they go hand in hand, we want to get
27 to the bottom of this for many reasons and those two are,

00128

01 you know, they top the list, to bring somebody to justice,
02 he said to you. Do you remember that?

03 A Sure.

04 Q And, what is your answer to him?

05 A What a pain in the ass, it's all a pain in the
06 ass.

07 Q And, this is after he has explained to you that he
08 wants you to cooperate in finding the murderer of Martha
09 Moxley and he has said to you and has described to you the
10 hell that Dorothy Moxley, her mother, has gone through over
11 the years and he wants you to cooperate. And your
12 response to him is what a pain in the ass, it's all a pain
13 in the ass.

14 Am I making this up or is that what you said?

15 A I apparently am a cruel insensitive bastard and
16 that's what I was doing. That's why I am here now.

17 Q So be it. And, then finally comes the confession,
18 page 33, you finally tell Frank, this is in the second
19 conversation you had with him a day later, a couple of days
20 later. Well, at the end of the conversation, Michael was
21 just obviously destroyed and he was just sitting there
22 crying and he was probably crying for five minutes or so
23 and then he said that he killed her, he said I killed her.
24 Right?

25 A Yes.

26 Q And, that's the big confession; right?

27 A That is the confession.

00129

01 Q And, you recall he said that?

02 A Yes, I do.

03 Q Are you as certain that he said that as you are
04 about all the other things you lied about?

05 MR. BENEDICT: Objection, argumentative.

06 THE COURT: Objection sustained.

07 BY MR. SHERMAN:

08 Q And then Inspector Garr says to you, what did you
09 say. And what did you say?

10 A I don't think I said anything.

11 Q Why wouldn't you say anything? A guy just
12 confesses a murder to you. Wouldn't you say something?

13 A No. Unless you know the context of the
14 conversation and where it was being held and what it was
15 for, then no, you absolutely would say nothing. In that
16 situation, you would say nothing at all.

17 Q And, then you gave him a hug; right?

18 A I don't recall that specifically but I probably
19 would have done something like that.

20 Q Well, isn't that what you told Inspector Garr?
21 Look at page 33. Don't you say I don't think I said
22 anything to him, and he just, I mean, that was the only
23 words he said about it. He said I killed her and, you
24 know, I probably gave the guy a hug. Is that what
25 happened?

26 A It says right there, I probably gave the guy a
27 hug.

00130

01 Q Was it probably or really?

02 A Well, I said probably because I don't know
03 specifically if I got up and hugged him or not.

04 Q Have many other people confessed murders to you?
05 Isn't this kind of something that you kind of would
06 remember? If somebody says I murdered somebody, wouldn't
07 you remember every nanosecond of that moment, what you did,
08 what they said, where you were, what he was wearing, where
09 were you standing?

10 MR. BENEDICT: Objection, argumentative.

11 THE COURT: Objection sustained.

12 BY MR. SHERMAN:

13 Q You think you probably gave him a hug; right?

14 A Perhaps I did.

15 Q Inspector Garr said did he tell you, did he tell
16 you how and you said no; right?

17 A That is what I said.

18 Q And, Inspector Garr said did he tell you why and
19 you said no; right?

20 A That's what I said.

21 Q And then you shared with Inspector Garr the nature
22 of the conversation at the top of page 34. Do you
23 remember telling Inspector Garr the bulk of our
24 conversation was, was him realizing that something had
25 happened and maybe however he buried it throughout the
26 conversation eventually, I suppose he just realized that he
27 did in fact kill her. The bulk of our conversation was

00131

01 probably just him dealing with what he remembers and
02 eventually arriving at the final phase of the
03 conversation. Is that correct?

04 A Yes, that is correct.

05 Q So, are you telling us or were you telling
06 Inspector Garr that when Michael told you I killed her, he
07 was just learning it to himself or learning it himself for
08 the first time through this self awareness or this therapy
09 that you had engaged him in?

10 MR. BENEDICT: Objection. He can't speak for Mr.
11 Skakel's mind.

12 MR. SHERMAN: I am not asking him to speak for --

13 THE COURT: Objection is sustained.

14 BY MR. SHERMAN:

15 Q Do you believe that Michael was learning this as
16 well for the first time?

17 A I couldn't say that.

18 Q Well, what did you mean by what you said? Take a

19 look at the top of 34. Those are your words. Tell us in
20 your words what you meant.

21 A That the conversation --

22 MR. BENEDICT: Same objection.

23 MR. SHERMAN: It's his words, Your Honor. I am
24 just asking him to explain it.

25 MR. BENEDICT: Doesn't mean it is relevant. I
26 object.

27 MR. SHERMAN: He is talking about the very words
00132

01 that brought us here 25 years later. I am asking him
02 to characterize. He is the only guy that heard them.
03 He can explain his reaction to it and what this man
04 said.

05 THE COURT: Objection overruled.

06 THE WITNESS: What did you exactly want?

07 BY MR. SHERMAN:

08 Q The top of page 34, the first thing you said in
09 the paragraph and tell us what you meant.

10 A What I meant was that he was working through
11 whatever problem he had.

12 Q And, by working through it, that he was finally
13 admitting to himself that he had murdered this girl?

14 A I don't know that.

15 Q You don't know?

16 A I just know that he was working through the
17 problem that he had.

18 Q Had you had any education or schooling in therapy?

19 A No. Practical applications, sure, but not
20 schooling, no.

21 Q What kind of practical application?

22 A It doesn't really matter.

23 Q To us I guess it does. If there is no objection,
24 I would like to hear about it.

25 MR. BENEDICT: Objection.

26 MR. SHERMAN: Thank you.

27 THE COURT: How do you claim it?

00133

01 MR. BENEDICT: Relevance.

02 MR. SHERMAN: I don't think I am going to claim
03 it.

04 THE COURT: Objection sustained.

05 BY MR. SHERMAN:

06 Q What is a haircut?

07 A A haircut is something that has to do with dealing
08 with people's day-to-day problems.

09 Q That's kind of a general statement. What happens
10 at a haircut, who does what? You remember haircuts; right?

11 A Yeah, I do. As hard as I have tried to block
12 them, yes, I do remember. A bunch of people screaming at
13 you.

14 Q A bunch of people screaming at you; right. And,
15 they scream at you why?

16 A To, obviously, to make you listen and to point out
17 faults that you have. At the end they talk to you to
18 correct those faults and give you suggestions.

19 MR. BENEDICT: Objection to relevance of this

20 line. I think I know what a haircut is. Counselor
21 does. The witness hasn't described anything that
22 occurred in the course of a haircut. It's irrelevant.

23 THE COURT: How do you claim this, Attorney
24 Sherman?

25 MR. SHERMAN: I don't, Your Honor. I am just
26 kind of curious. It's not curious. It had some
27 relevance but it is far afield.

00134

01 THE COURT: Objection is sustained.

02 BY MR. SHERMAN:

03 Q Page 34, the middle. Inspector Garr says to you,
04 but, where does, where does, in other words, and at the end
05 of this, he tells you that he killed her and what was your
06 response?

07 A Well, no, he kept saying I don't know if I killed
08 her.

09 Q You can continue.

10 A Do you want me to read this all to you?

11 Q Yes.

12 A He kept saying I don't know if I killed her. He
13 kept saying I don't know what happened after that. I
14 don't know what I did and he just kept crying and I don't
15 know whether he convinced himself or what made him say it
16 but he said I killed her.

17 Q So, you told Inspector Garr, I don't know whether
18 he convinced himself of it or what, what made him say it,
19 but he said I killed her?

20 A Correct.

21 Q And, as you described the earlier conversation, he
22 talked himself into it. Would it be fair to say that you
23 believed at the time he was talking himself into believing
24 that he killed her?

25 A It wouldn't be fair to say that at all.

26 MR. BENEDICT: Objection.

27 THE COURT: Asked and answered.

00135

01 BY MR. SHERMAN:

02 Q But, you did say to Inspector Garr, that he kept
03 saying I don't know if I killed her; correct?

04 A That is correct?

05 Q Inspector Garr asked you whether or not Michael
06 Skakel ever admitted this or confessed this to anybody
07 else; correct?

08 A I am sure he did.

09 Q Did Michael Skakel ever tell this to anybody else?

10 A Not to my knowledge.

11 Q If you look at page 38, didn't you say to
12 Inspector Garr that you are 99.9 percent sure that it was
13 in fact discussed in the groups and group sessions?

14 A Yes.

15 Q So, which is it, that you don't think he did or
16 that you are 99.9 percent sure?

17 A I don't know. Unless I was there, how am I going
18 to know if it actually happened or not.

19 Q You told Inspector Garr that you were 99.9 percent
20 sure that this was in fact discussed in the groups. Do

21 you still feel --
22 A That's what I said, that I was 99.9 percent. If
23 I was 100 percent, then I would have been there and I would
24 be able to give him the truth or not.
25 Q Okay; I don't think I understand but it's not
26 worth it. Did you tell Inspector Garr that Harry Krannick
27 was told by Michael that he killed her?

00136

01 A Yeah, I guess.
02 Q Rather than guessing, because this is kind of a
03 murder case, let's be certain. Let's look at the middle of
04 page 39.
05 A Here we go.
06 Q Yeah, here we go.
07 A What did you want me to --
08 Q I want you to refresh your recollection as to
09 whether or not you told Inspector Garr that Harry Krannick
10 heard one of Michael's confessions. Did you tell him that?
11 A Yes. Harry told me, yes.
12 Q What did you say? What did you say to Inspector
13 Garr regarding that issue?
14 A That I am very close friends with Harry.
15 Q Did you say, quote, unquote, he said he heard
16 Michael admitting that he killed her?
17 A What page are you on?
18 Q Page 39.
19 A I don't know what you are talking about.
20 Q Let me give you a cleaner copy.
21 A Wow, everything is there. Can't get rid of it.
22 Page 39, did you say to Inspector Garr, he said he
23 heard Michael admitting that he killed her. Yes or no?
24 A Yes.
25 Q Were you lying?
26 A It's Harry's words, it's not my lie.
27 Q No, this is your word. This is your conversation

00137

01 that was tape recorded, not Harry's. Did you lie? Have
02 you spoken to Harry Krannick?
03 A Yes, I have.
04 Q He has in fact told you he has never heard a
05 confession; am I right?
06 MR. BENEDICT: Objection.
07 MR. SHERMAN: He has already testified to this,
08 Your Honor.
09 MR. BENEDICT: Harry Krannick?
10 MR. SHERMAN: Yes.
11 MR. BENEDICT: Objection, it's not before this
12 Court.
13 THE COURT: How do you claim this, Attorney
14 Sherman?
15 MR. SHERMAN: Credibility, Your Honor. He is
16 indicating that someone had told him that Michael Skakel
17 confessed to a murder. I can test his recollection,
18 Your Honor. I can test his credibility.
19 THE COURT: I will overrule the objection.
20 BY MR. SHERMAN:
21 Q Did Harry Krannick tell you he heard a confession?

22 A Yes.
23 Q So, Harry Krannick will come in here?
24 A I don't know what Harry Krannick will do.
25 Q You are saying that?
26 A I don't know what Harry Krannick will do.
27 Q When is the last time you spoke to Harry Krannick?
00138
01 A Yesterday.
02 Q Did he tell you he heard a confession then?
03 A No, he did not yesterday.
04 Q Isn't the fact that anything that Harry Krannick
05 heard of a confession comes from you?
06 A No, that is incorrect.
07 Q It is not correct?
08 A Yes, it is incorrect.
09 Q So, we can expect to see Harry Krannick?
10 A I don't know what you can expect from Harry
11 Krannick.
12 Q Do you expect he will come here to testify?
13 A He is nothing to me.
14 Q He is nothing to you?
15 A It means nothing to me.
16 THE COURT: It was asked and answered.
17 BY MR. SHERMAN:
18 Q So, you were telling the truth when you said that
19 Harry Krannick heard Michael confess?
20 A That is correct.
21 Q So, we will deal with Harry on that.
22 Let's go to page 45. Inspector Garr asks whether
23 or not you told Harry that Inspector Garr had contacted
24 you; correct?
25 A Yes, I told him that I had contacted you.
26 Q And, Inspector Garr said well, what did he say.
27 And, what did you say?
00139
01 A He thought I was full of shit.
02 Q Were you on the police force at Elan?
03 A Yes.
04 Q What is the police force?
05 A It's people who police other people.
06 Q Makes some sense to me, I guess. How does one get
07 on the police force at Elan? What's the qualifications?
08 A There is no qualifications. You are there for a
09 certain period of time and you get promoted through the
10 system in any different field that there is.
11 Q And, your job is to make sure that people don't
12 run away?
13 A Among other things.
14 Q What other things?
15 A Guarding doors, keeping track of where everyone is
16 in the building, making daily notes. It's a wide variety.
17 Q How about physical abuse, would you ever paddle
18 anybody?
19 A Anyone there, not the police. The police had no
20 control over whether there was paddling or not.
21 Q Was there paddling going on?
22 A Joe Ricci had control over that.

23 MR. BENEDICT: Objection, relevance.

24 MR. SHERMAN: I won't go into it.

25 BY MR. SHERMAN:

26 Q Now, Michael had run away; is that correct?

27 A Yeah.

00140

01 Q So, why would he be on the police force too?

02 Wouldn't he be kind of someone you would be guarding as
03 opposed to working with?

04 A Look, I don't tell him whether he is on the police
05 force or not. That's their job, not mine.

06 Q Yeah, but, the night that he confessed to you on
07 the porch, weren't you both kind of acting as policemen
08 that night?

09 A That is correct.

10 Q But, hadn't he recently run away?

11 A Why is this relevant to me? I don't make him the
12 police.

13 Q We are just trying to understand why someone who
14 is running away would wind up guarding?

15 A Well, obviously it wasn't the day he came back.

16 Q So, at that point he was a trusted person again?

17 A Apparently, yes. He was the police.

18 Q Inspector Garr asked you at the top of page 53, I
19 would imagine that there had to be some sort of personal
20 relationship between you and Michael for him to unload this
21 on you?

22 A No, none.

23 Q And, you can even answer that without remembering
24 what you said; right?

25 A Yeah.

26 Q So, how do you explain that? You are just
27 somebody --

00141

01 A I don't explain that.

02 Q -- somebody that people like to open up to?

03 A Apparently.

04 Q Okay. A little bit about Harry Krannick. You
05 have known him how long, since you were like three years
06 old or something; right?

07 A What was that?

08 Q You have known Harry since you were like three
09 years old or something; right?

10 A I don't recall how long I have known him, a long
11 time.

12 Q The top of page 54, yeah, well, I have known Harry
13 since I was in the third grade. Does that sound about
14 right?

15 A I don't know if that's three or four or not.

16 Q Right, third grade?

17 A Is that what that is, okay.

18 Q And, Inspector Garr asked you at the top of 56,
19 Harry Krannick, he probably has as much or maybe more
20 information than you do and you say yeah, probably. And,
21 you still agree with that; right?

22 A Sure.

23 Q And, Inspector Garr asks you, however, and you say

24 he has never discussed it with you. You have never
25 discussed this with Harry; right?
26 A Yeah, I have discussed it with Larry.
27 Q But, not at the time you spoke to Inspector Garr;

00142

01 am I right?
02 A Right.
03 Q So, up until -- and that was when, like 19 --
04 A It was like three years ago.
05 Q So, from 1978 to three years ago, you never talked
06 about this with Harry Krannick?
07 A Not to the best of my recollection.
08 Q Do you want to take some time to recollect it or
09 is that the final answer?
10 A It's very amusing.
11 Q Thank you. But, is that your final answer? In
12 other words, you were friendly with this kid since third
13 grade. You were in a program together. Somebody confesses
14 murder to you and you said he has confessed it to them as
15 well and you sit on it for 20 years and never talk to that
16 guy you have known since third grade?
17 A I never talked to my best friend about that, is
18 that what you are saying?
19 Q That is correct, you never talked about it?
20 A Well, let me just say no.
21 Q Let me just say no?
22 A I don't want to have to explain this all to you,
23 why I wouldn't --
24 Q We will wait until it gets serious. You keep it
25 to yourself, John. When it gets to be a problem, we will
26 give you a buzz.
27 A Thank you.

00143

01 Q And, you told Inspector Garr on 58 that you were
02 never with Michael when he said anything to anyone else;
03 right?
04 A That is correct.
05 Q Only you.
06 MR. SHERMAN: If I may just have a moment?
07 (Brief pause.)
08 BY MR. SHERMAN:
09 Q Who is Dennis Higgins?
10 A I am sorry.
11 Q Dennis Higgins?
12 A I wouldn't know.
13 Q What is your social security number?
14 A What?
15 Q What is your social security --
16 MR. BENEDICT: Objection, relevance.
17 THE COURT: How do you claim this, Attorney
18 Sherman?
19 MR. SHERMAN: I will withdraw it and ask a
20 different question.
21 BY MR. SHERMAN:
22 Q Have you ever used someone else's social security
23 number?
24 A No.

25 Q When you spoke to the Grand Jury, did you
26 understand what that procedure was? When you testified
27 before Judge Thimm (ph) up in Bridgeport within the last
00144

01 year and a half, did you understand what the purpose of
02 your testimony was?

03 A I am not certain.

04 Q Well, they called you here from Illinois to come
05 and testify; correct?

06 A Right.

07 Q And, they brought you in and they sat you on a
08 witness stand like that and you stood before a judge and
09 you knew that this was involving the Michael Skakel
10 investigation and the murder of Martha Moxley; right?

11 A Yes.

12 Q And, when you swore to Judge Thimm that you heard
13 Michael Skakel confess to you that one time that night, did
14 you know what you were doing?

15 A I was telling the truth.

16 Q Did you tell Judge Thimm that you had lied all the
17 other times to Inspector Garr?

18 A I was never asked that.

19 Q Nobody asked you; huh?

20 A I don't know.

21 Q I am sorry?

22 A I don't know. I don't know what you mean.

23 Q Well, when you spoke to Judge Thimm and you
24 testified in the Grand Jury proceeding which brought us
25 here today, did you tell Judge Thimm that yes, I heard
26 Michael Skakel tell me he killed Martha Moxley but I also
27 lied to Inspector Garr about it on at least 12 other

00145
01 occasions? Did you tell him that?

02 A I don't recall.

03 Q You don't recall?

04 A I don't recall.

05 Q So, it is possible you may have told Judge Thimm
06 that you lied?

07 A I don't recall.

08 Q You don't recall. Is there anything that can jog
09 your memory? Would the Grand Jury transcript jog your
10 memory?

11 A I am sure it would.

12 Q Anything you want to change about your testimony
13 today, John?

14 A No.

15 Q Are you going to show up for the trial?

16 A Oh, yeah.

17 MR. BENEDICT: Objection, relevance.

18 MR. SHERMAN: Nothing further.

19 THE COURT: Objection sustained.

20 At this point, we will take a 15 minute
21 afternoon recess.

22 (Whereupon, a brief recess was taken.)

23 THE COURT: Attorney Benedict.

24 I remind you, you are still under oath.

25 REDIRECT EXAMINATION BY MR. BENEDICT:

26 Q Mr. Higgins, Mr. Sherman asked you a question in
27 response to something in one of the telephone calls with
00146

01 Inspector Garr regarding I think at some point you stated
02 that you were 99 percent sure that the defendant had spoken
03 about his involvement in a murder in group sessions while
04 at Elan. Were you ever present in any group meetings that
05 you recall that he spoke about this murder?

06 A No, I was not.

07 Q And, do you recall, was he a steady could I call
08 it group mate or group meeting companion of yours while you
09 were at Elan?

10 A It's hard to say. There was a lot of groups going
11 on all the time and I wouldn't want to remember any of
12 them.

13 Q In the course of the telephone conversations that
14 you had with Mr. Garr back in -- about how long ago, three
15 years ago? 1977 about right?

16 A That would be --

17 Q 1997?

18 A Yes.

19 Q Anyway, sometime three, four years ago is when you
20 were speaking, having these telephone conversations with
21 Mr. Garr that Mr. Sherman has just this afternoon
22 cross-examined you on; is that correct?

23 A Yes.

24 Q You repeatedly in the course of those telephone
25 conversations told Mr. Garr that the defendant never
26 actually confessed to you, that all he ever did was said he
27 thought he might have done it, he didn't really know if he

00147

01 had done it. Why were you telling Garr that repeatedly in
02 the course of the phone conversations, that he never
03 actually out-and-out admitted it?

04 A I didn't want anything to do with it and I wanted
05 it to -- I wanted him to get his information somewhere
06 else.

07 Q Why was that?

08 A Because I didn't want to be involved with this
09 type of a thing.

10 Q So, in the course of those phone calls when you
11 told Garr that the defendant would only go so far as saying
12 I don't know if I did it, what were you trying to
13 accomplish by that as far as this investigation went?

14 A If I don't give him the information he needs, he
15 will have to seek it elsewhere.

16 Q Did you anticipate that if you continued to
17 maintain that there wasn't actually a confession that you
18 would be -- would not be included?

19 A I hoped. I hoped.

20 Q At some point, though, in that, early on in the
21 conversation, talk got around to a reward, \$50,000.00 and
22 it going up to \$100,000.00. Do you recall being
23 cross-examined about that by Mr. Sherman this afternoon?

24 A Yes.

25 Q However, you have indicated you have never made
26 any claim for any reward; is that correct?

27 A No.

00148

01 Q And, you don't intend to?

02 A No.

03 Q Now, it's your testimony here that this

04 conversation you had with Mr. Skakel that night lasted a

05 period of more than one hour, is it fair to say?

06 A Yes.

07 Q As you related this morning, Mr. Skakel's

08 description, if I can call it that, of his involvement was

09 he didn't know if he did it and ultimately it culminated in

10 the end with an absolute admission. Would you describe to

11 Her Honor how this progression came about from I don't know

12 if I did it to I did it?

13 A How it came about?

14 Q Yes.

15 A I was just sitting there silently as he was

16 talking about it but he continued to say that I don't know,

17 I don't know if I did it and I must have done it and that I

18 did do it and that was over a period of quite awhile.

19 Q Was it in the course of this conversation that Mr.

20 Skakel described to you getting a golf club and going

21 through the woods with a golf club?

22 A Yes.

23 Q Did anybody ever suggest that to you in the 1990s?

24 A I heard about it way later but --

25 Q However, is that something Mr. Skakel is relating

26 to you, the activity with the golf club? As far as he did

27 relate that activity, is that something you recall today?

00149

01 A Yes.

02 Q From 1978?

03 A Yes.

04 Q And, the act of looking up into pine trees and

05 seeing pine trees, you related that to the Court this

06 morning. Is that also something that is of your recall as

07 you sit here today back to this conversation in 1978?

08 A Yes.

09 Q This conversation took some fairly -- it lasted

10 for quite awhile, you testified. As you sit here today,

11 do you feel that you are able to recall every single detail

12 as it was stated by Mr. Skakel back then?

13 A No, I could not possibly recall every single

14 detail.

15 Q Also, you contacted a television station. Was

16 that before or after the contact from Inspector Garr?

17 A That was before.

18 Q About how long before?

19 A A few months, a couple of months.

20 Q A few months before you received this telephone

21 call from Garr, you were watching TV and you saw a story

22 about this murder on TV. Is that what happened?

23 A Yes.

24 Q And, did you then and there make the phone call?

25 A No, I wrote the number down, put it in the drawer

26 and a few days later called it.

27 Q And, what was your purpose at that time of making

00150

01 the phone call when you did make the phone call?
02 A Well, I had a spirit of conscience and I wanted to
03 give them information.
04 Q And, when you made the phone call or attempted to
05 make the phone call, what transpired?
06 A I talked to somebody that was not very intelligent
07 and hung the phone up.
08 Q And, did you ever call the TV station back again?
09 A No, I didn't.
10 Q Why not?
11 A I just didn't want to deal with them.
12 Q Your contact with Inspector Garr, was that a
13 contact initiated by you?
14 A No.
15 Q You didn't call him, he called you?
16 A Yes. Somebody I know called him and told him to
17 call me.
18 Q Do you know this somebody?
19 A Yes, I do.
20 Q How do you know they called him?
21 A He told me. He called me and told me that he was
22 going to do that.
23 Q Who was that person?
24 A Chuck Seigan.
25 Q Had you discussed this murder with Chuck Seigan
26 prior to receiving the phone call from Mr. Garr?
27 A Yes, I did.

00151

01 Q What if anything did you tell Mr. Seigan as
02 regards you making further contacts or getting further
03 involved in this matter?
04 A I said I wasn't going to do anything right now.
05 Q Did you ask Mr. Seigan to contact the State
06 Attorney's office or Mrs. Moxley or anything like that?
07 A No, I asked him just to leave me alone.
08 Q Have you ever had any contact with the victim's
09 family in this case?
10 A Yes, I had one conversation with someone.
11 Q When did that happen?
12 A Maybe four months ago or something.
13 Q Just recently. And, who contacted who in that
14 regard? Did you contact them or did they contact you?
15 A I contacted them.
16 Q What was the purpose of that?
17 A I wanted Mrs. Moxley to ask me to do this.
18 Q Did she?
19 A Yes.
20 Q Did you engage in any conversations about --
21 A Not at all.
22 Q -- about remuneration, reward or anything like
23 that?
24 A Not at all. No other conversation other than you
25 ask me to do this and I will do this.
26 MR. BENEDICT: No further questions, thank you.
27 THE COURT: Attorney Sherman.

00152

01 RE-CROSS EXAMINATION BY MR. SHERMAN:

02 Q You contacted Mrs. Moxley because you wanted her
03 to ask you to do this; right?

04 A That is correct.

05 Q Why wouldn't you just do it out of the old spirit
06 of conscience?

07 A I don't believe that anybody else had the right to
08 ask me and Frank certainly didn't. None of these other
09 people had any right to ask me to do anything.

10 Q Why not?

11 A This girl was dead.

12 Q So --

13 A I wasn't going to help anybody except Martha and
14 her son and I believe they were the people who had the
15 right to ask me to do it which is why I contacted them and
16 asked them that.

17 Q You felt no civic duty to report a confession of
18 murder. You did for a little bit when you had that spirit
19 of conscience when you called the TV show; right?

20 A Yes.

21 Q But it kind of went away or what?

22 A No, I wanted to feel as though I was doing the
23 right thing for somebody that mattered.

24 Q But, you needed her to ask you to do the right
25 thing?

26 A Who knows if I needed her to or not but I asked
27 her to.

00153

01 Q Did you contact Mrs. Moxley and ask her to ask
02 you?

03 A Yes, I did.

04 Q Why? Isn't that kind of cruel?

05 A How do you get cruel from that?

06 Q By asking the mother of a murder victim to ask you
07 to come to Court. Why don't you just do it? If he did
08 this, why wouldn't you hitchhike here, why wouldn't you
09 walk here to testify?

10 MR. BENEDICT: Objection to this entire line of
11 questioning.

12 THE COURT: The objection is sustained.

13 BY MR. SHERMAN:

14 Q You talked about the progression of Michael
15 Skakel's confession to you. Mr. Benedict just asked you a
16 couple of minutes ago. Mr. Benedict I think characterized
17 it as he sat with you and he said I don't know if I did it,
18 maybe I did it, do you think I did it, I could have done
19 it, yeah, I guess I did it. Isn't that the way it went?

20 A Yes.

21 Q And, that's the progression it went. It's fair
22 to say that in your presence he talked himself into
23 believing he committed the crime?

24 A You can say that. I certainly didn't.

25 Q Is that what you heard?

26 A I heard the things he said. I certainly didn't
27 decide whether he convinced himself or not.

00154

01 Q Is that a fair characterization of --

02 A I don't know if it is or not.
03 Q Is this a fair characterization of the
04 conversation that he had with you, I think I might have
05 done it, I don't know if I did it, they say I did it, maybe
06 I did it, you know something, I did it?
07 A That's a fair characterization.
08 Q So, you would agree that he in your presence
09 talked himself into believing he did it?
10 A I would not agree with that.
11 Q Had you ever heard other people screaming at him
12 in a haircut or take down session or any of those other
13 Elan things, screaming at him that he should confess or he
14 may have done this?
15 A Never.
16 Q Never?
17 A Never.
18 Q And, you never spoke to anybody in the program
19 about Michael Skakel, period, and this crime?
20 A No. I talked to Harry the night on the porch,
21 as I stated earlier. Other than that, no.
22 Q And, when Mr. Benedict asked you, well, why didn't
23 you call back the TV station because you didn't like person
24 who answered the phone, your response is I didn't want to
25 deal with them?
26 A Just equally like I don't want to deal with this
27 now.

00155

01 Q Why not?
02 A Because this is joyous for me -- no. Because it
03 is a nightmare.
04 Q Yeah, but, who do you think is suffering --
05 withdrawn. And, in fact, you never called the
06 authorities? You told Chuck Seigan?
07 A In fact, I never called the authorities, that is
08 correct.
09 Q You told Chuck Seigan; right?
10 A Yes.
11 Q And, he told somebody who told somebody or
12 whatever?
13 A No, Chuck called the authorities.
14 Q Are you mad at him for that?
15 A A little disturbed, sure.
16 Q Why?
17 A Because he forced my hand.
18 Q Your hand. That's like a game. What about that
19 spirit of conscience?
20 A Who knows, maybe I would have done it, maybe
21 not. We will never know that but the fact is he forced my
22 hand.
23 Q So, had he not forced your hand --
24 A I am business partners with him now so I got over
25 it.
26 Q What business?
27 A It really doesn't matter what business.

00156

01 Q I asked, you brought it up.
02 MR. BENEDICT: Objection, relevance.

03 MR. SHERMAN: I will ask --
04 THE COURT: How do you claim this is relevant?
05 MR. SHERMAN: Motive for bias.
06 THE COURT: Motive for bias?
07 MR. SHERMAN: I just threw it out there, Your
08 Honor.
09 THE COURT: Sustained.
10 THE WITNESS: This is all so amusing for
11 everyone.
12 MR. SHERMAN: I will withdraw it and I apologize
13 for being flip, Your Honor.
14 BY MR. SHERMAN:
15 Q Had Chuck Seigan never called Inspector Garr, you
16 wouldn't have called him; would you?
17 A Who really knows, we don't know that and never
18 will.
19 Q Only you know?
20 A That is correct.
21 Q And, the answer is what?
22 A I don't know.
23 Q Are you telling us the truth today?
24 A Yes, I am.
25 Q How do we know that?
26 MR. BENEDICT: Objection, argumentative.
27 MR. SHERMAN: No, it is not. It's my last
00157
01 question, Your Honor. I will claim it. I promise it's
02 the last one.
03 BY MR. SHERMAN:
04 Q How do we know?
05 THE COURT: I will allow the question.
06 THE WITNESS: How do you know?
07 BY MR. SHERMAN:
08 Q How do we know? How do all of us know that you
09 are finally telling the truth?
10 A The only one that knows is sitting right there and
11 that's the only one that matters.
12 MR. BENEDICT: I have a couple of questions.
13 REDIRECT EXAMINATION BY MR. BENEDICT:
14 Q When you sat down on the steps with Mr. Skakel
15 that night, up to that night, did you know anything
16 whatsoever about this 1975 murder of a young girl in
17 Greenwich?
18 A No, I didn't.
19 Q The information about Mr. Skakel running through a
20 wooded area with a golf club, where did you get that
21 information from?
22 A From Michael.
23 Q And, where did you get that information from?
24 A When?
25 Q When, yes.
26 A On the front porch of our dormitory.
27 Q The information about him looking up into a pine
00158
01 tree, who gave you that information?
02 A Michael.
03 Q And, when did he give you that information?

04 A On the front porch.
05 MR. BENEDICT: I have no further questions.
06 RE CROSS EXAMINATION BY MR. SHERMAN:
07 Q And, he told you about the garage that night;
08 right?
09 Maybe you didn't hear me. And he told you about
10 the garage that night; right?
11 A That is correct.
12 Q And, are you just as certain he told you about the
13 garage that night as everything else you have told us?
14 A I am certain what I recall he told me, absolutely.
15 Q And, are you just as certain that he told you
16 about the garage that night as every other aspect of this
17 --
18 MR. BENEDICT: Objection, argumentative.
19 MR. SHERMAN: No, it is not.
20 THE COURT: It was just asked and answered.
21 MR. SHERMAN: I don't think it was a straight
22 answer, Your Honor. Yes or no.
23 THE COURT: And the question is what?
24 BY MR. SHERMAN:
25 Q Are you just as certain he told you about being in
26 a garage that night?
27 A I am absolutely certain that that is what I
00159
01 recall.
02 MR. SHERMAN: Thank you.
03 MR. BENEDICT: I have no questions.
04 THE COURT: You may step down.
05 * * * * *
00160
01 MR. BENEDICT: The State calls Gregory Coleman to
02 the stand.
03 GREGORY COLEMAN,
04 having been first duly sworn, testified as follows:
05 THE CLERK: Please have a seat and state your name
06 and address for the record, sir.
07 THE WITNESS: Gregory M. Coleman, 750 East
08 Henrietta Road, Rochester, New York.
09 THE COURT: You may inquire.
10 DIRECT EXAMINATION BY MR. BENEDICT:
11 Q Mr. Coleman, how old are you?
12 A 38 years of age, 38 years old.
13 Q And, are you currently in jail?
14 A Yes, I am.
15 Q And, you are here in Stamford, Connecticut today
16 but if you weren't here in Stamford, Connecticut today,
17 where would you be incarcerated?
18 A Department of Corrections, Rochester, New York.
19 Q You are a prisoner of the State of New York?
20 A Yes, sir.
21 Q What are you presently incarcerated for?
22 A Criminal trespassing.
23 Q And, who was the victim of that criminal trespass?
24 A My wife.
25 Q And, what is the nature of -- have you been
26 sentenced on that matter?

27 A Yes.

00161

01 Q And, what is the nature of the sentence you are
02 serving?

03 A I am serving a one year sentence.

04 Q And, when is that sentence due to expire -- when
05 are you due to be released on that?

06 A August 8.

07 Q Of this year?

08 A Of this year.

09 Q Have you previous to that conviction for criminal
10 trespass ever as an adult ever been convicted of any other
11 felony offenses in the State of New York?

12 A Yes, sir.

13 Q Approximately how many?

14 A One felony. One felony.

15 Q Now, do you have any other pending criminal
16 matters lodged against you by New York, Connecticut, any
17 other state?

18 A No, sir.

19 Q Did you ever have occasion to attend an
20 institution in Poland Springs, Maine named Elan?

21 A Yes, sir.

22 Q And, do you recall how old you were when you went
23 to Elan?

24 A I was 16 years old.

25 Q And, prior to being sent to Elan, were you
26 attending school?

27 A Yes, I was.

00162

01 Q Private school or public school?

02 A Boarding school.

03 Q What boarding school was that?

04 A St. Thomas Moore School in Colechester,
05 Connecticut.

06 Q Here in Connecticut?

07 A Yes.

08 Q Your full-time residence then however was where?

09 A Rochester.

10 Q Let's see, if you are 38 now and you were 16 then,
11 that's 22 years ago. About 1978, would that be correct?

12 A Yes, sir.

13 Q How did you come to be placed at Elan back in 1978
14 or thereabouts?

15 A I was asked to leave the St. Thomas Moore School
16 for I believe it was stealing an AM FM television unit.

17 Q At the time that you were placed at or began to
18 attend Elan, were you placed in any particular section of
19 Elan?

20 A I was placed in a house called Elan three.

21 Q Are there Elan one, two and four?

22 A There is three, eight, five, two, six.

23 Q As Elan was constructed at that time, what if
24 anything was the significance between Elan three where you
25 were and the other number Elan sections?

26 A The significance of Elan three differing from the
27 rest was that -- the significant differences I remember was

00163

01 that the living quarters for the men were separate from the
02 house itself where the daily activities took place and the
03 females resided.

04 Q You were 16 so the females did not reside in the
05 same dorms as the men; is that correct?

06 A That is correct.

07 Q You were 16 when you got to Elan. Would you
08 describe, after your arrival, how was a typical day
09 occupied by clients such as yourself?

10 A The day was filled primarily, the majority of the
11 day was filled with work. Upon arriving at Elan, I was
12 placed on a service crew where I cleaned toilets. That's
13 basically where I started.

14 Q What time did they get you up in the morning?

15 A To the best of my knowledge, probably about 7:00
16 o'clock.

17 Q And, after breakfast and getting up and washed-up,
18 you would go out on a work detail?

19 A No. The men would be lined up and walk up to the
20 house. We would assemble into the dining room area. We
21 would eat breakfast and go into our daily routine which
22 consisted of the departments break off into their various
23 sections.

24 Q You were a toilet cleaner?

25 A I was on the service crew which was they cleaned
26 houses pretty much and you worked your way up from toilets
27 to hallways to kitchens, pretty much.

00164

01 Q And, was there a midday meal normally served?

02 A Yes.

03 Q And, after the midday meal, how did you spend your
04 afternoon?

05 A The afternoons were primarily spent in group
06 sessions, lectures, instruction -- basically groups,
07 encounter groups, primal screaming groups, just regular
08 casual rap sessions.

09 Q And, was there any formal education provided by
10 Elan?

11 A Elan had a school separate from the facility
12 called Pinehenge (ph). We went to school at 6:00 o'clock
13 after dinner every night where we remained until about ten.

14 Q So, the classes were for about four hours in the
15 evening?

16 A Right.

17 Q What happened once classes were done at 10:00
18 o'clock in the evening?

19 A Once classes were done, we lined up. We were
20 taken back to the dining room and had a snack and pretty
21 much went to bed. We lined up. The men were lined up and
22 taken down to the dormitory.

23 Q How long did you stay at Elan, approximately?

24 A Two years.

25 Q Was that the standard length of stay or was there
26 a standard length of stay?

27 A The standard was pretty much 24 months or

00165

01 better. In my situation, at the legal age of 18, I
02 decided that I no longer wanted to stay at Elan and I left
03 although I did go through the graduating process both from
04 high school and from the program.

05 Q You got a high school diploma from Pinehenge
06 School?

07 A Yes.

08 Q After you -- at some point after you arrived at
09 Elan, did you make the acquaintance of another student
10 named Michael Skakel?

11 A Yes, I did.

12 Q Do you recall whether he was already in attendance
13 at Elan upon your arrival or did he arrive after you began?

14 A Well, there was a twist. He was there. When I
15 arrived, he was in absence or he had run away. After
16 being there to the best of my knowledge approximately about
17 two weeks, he had been brought back from Greenwich,
18 Connecticut and that's when I met him.

19 Q So, the first time you met Michael Skakel was
20 after you had been there for a couple of weeks or so?

21 A Yes.

22 Q And, you were still in a maintenance house
23 cleaning detail?

24 A Yes.

25 Q Is Michael Skakel in the Courtroom now?

26 A Yes.

27 Q Would you just point to him or describe which one
00166

01 he is?

02 A Right there in the middle.

03 Q The gentleman in the middle of the counsel table?

04 A Right, although he didn't look like that at the
05 time.

06 Q Well, it's a few years ago.

07 THE COURT: The record can reflect that he
08 identified Mr. Skakel.

09 BY MR. BENEDICT:

10 Q I doubt that you look quite like you did either?

11 A No.

12 Q You have indicated you first made the acquaintance
13 of Michael Skakel after you had been there for about two
14 weeks. Whereabouts in the compound or on the campus was
15 it that you initially made Michael Skakel's acquaintance?

16 A The incident in my mind is upon Michael Skakel
17 being returned from Connecticut, I was assembled into a
18 room with some coordinators, higher ups, staff and was told
19 that I was going to be a personal overseer as they call
20 them to guard Michael Skakel as he slept on the stage in
21 the dining room of Elan three and that although it was not
22 normal procedure, because of my size, they wanted me to
23 watch him.

24 Q You were a big kid as well?

25 A Um-uh.

26 Q You had only been there for two weeks, is that why
27 you say it was unusual --

00167

01 A Yes.

02 Q -- for a newcomer to be assigned a task like that?

03 A I didn't hear the question.

04 Q It was unusual for a newcomer to be assigned a
05 task like that?

06 A Very much so. It was an earned position, just
07 like anything else, a privilege.

08 Q Why the dining room? Why was he kept in the
09 dining room, if you know?

10 A Good question. I really don't know why he was
11 kept in the dining room. I just know that the usual
12 procedure after being there for some time was that someone
13 that had a personal overseer during the sleeping hours was
14 either watched in the dormitory at the foot of the bed or
15 the head of the bed during the duration of sleep. It's a
16 special circumstance. I couldn't tell you. I didn't
17 make that decision.

18 Q It wasn't your decision?

19 A No.

20 Q Were you assigned -- were you a solo guardian or
21 was there anybody else assigned to watch him?

22 A No, there was two people assigned to oversee him.

23 Q Do you recall who else that was?

24 A I don't recall.

25 Q How long did this assignment last, a day, less
26 than a day, more than a day?

27 A Pretty much the assignment of watching Mr. Skakel
00168

01 I don't recall in duration but I proceeded to be a night
02 person the remainder of the time that I was at Elan,
03 whether it was guarding somebody or taking head counts
04 while people slept but I do not specifically -- it had to
05 be days. I am not exactly sure.

06 Q And, after that, you got the permanent assignment
07 of a night person?

08 A Yes.

09 Q And, the night person is somebody who --

10 A They were picked every night after we came back
11 from school and they were rotated because the people who
12 stayed up at night slept during the day. So it screwed up
13 people's schedule.

14 Q But following this particular assignment with Mr.
15 Skakel, you were one of the people who were selected on a
16 rotating basis to serve as a night guard?

17 A Yes, sir.

18 Q That's a dining room of Elan three? Elan three
19 had its own dining area?

20 A Yes, sir.

21 Q And, the section in the dining room that Mr.
22 Skakel was being held was where?

23 A It was a stage area that you go up about three
24 steps and there is literally a stage at the head of the
25 dining area and that is where he was to sleep. And we were
26 to stay at the front of the stage and watch him.

27 Q In the course of pursuing this assignment,
00169

01 guarding Mr. Skakel, did you have occasion to have a

02 conversation with him regarding the murder of a young girl?

03 A Yes, I did.
04 Q How do you recall that conversation began?
05 A The first night that I was assigned to watch Mr.
06 Skakel, it was obvious that he was given special
07 privileges. At this time, I didn't know why.
08 Q What were the special privileges?
09 A He got to be guarded in the presence of a stereo,
10 of his records and any other amenities that he seemed to
11 want. And I came upon a point where I said -- I made the
12 comment that this guy can get away with murder.
13 Q And --
14 A At which point he in turn said to me, I am going
15 to get away with murder, I am a Kennedy.
16 Q What if anything -- did he explain to you why he
17 was at Elan?
18 A That was my first thought with Mr. Skakel.
19 Q And, what did he say?
20 A Subsequent to making that comment, now thinking
21 back, we were sitting up listening to records. We were
22 allowed to do that too while he was being guarded. We got
23 talking and he made a comment that he was going to get away
24 with murder, he had drove the -- I want to get this the
25 right way, as close as I can get it to what I remember.
26 Q Did he describe to you his involvement in the
27 murder of this young person?

00170

01 A The comment that sticks out in my mind was that he
02 said he drove her skull in, he drove her skull in which I
03 took as with a golf club, with a driver, specifically.
04 Q Do you recall anything else?
05 MR. SHERMAN: I am sorry, excuse me, was that
06 with a driver?
07 THE WITNESS: That's what I said, yes.
08 BY MR. BENEDICT:
09 Q Do you recall anything else he told you about this
10 particular incident?
11 A To my best recollection, I was given the
12 impression by what he said that it took --
13 MR. SHERMAN: Objection, Your Honor. That's not
14 exactly responsive to --
15 MR. BENEDICT: I will withdraw it and rephrase it.
16 BY MR. BENEDICT:
17 Q You indicated he told you that he hit this person
18 with a golf club. Did he indicate to you in the course of
19 this conversation or any of these conversations held on
20 this date how many times he hit her?
21 A No, he did not.
22 Q More than one time or less --
23 MR. SHERMAN: Objection, question asked and
24 answered.
25 THE WITNESS: He made --
26 MR. SHERMAN: Objection, excuse me.
27 THE COURT: Hold on. The question now, Attorney

00171

01 Benedict?
02 MR. BENEDICT: I will rephrase it.
03 BY MR. BENEDICT:

04 Q What if anything did he say in terms of the number
05 of times he struck her?

06 A He did not.

07 Q Was there any discussion about any relationship
08 between him and her, the victim, prior to this incident?

09 A He had made a comment that he was trying to make
10 advances towards this girl and that this girl was not
11 complying with those advances and thus he drove her skull
12 in.

13 Q Did he indicate to you where this assault
14 occurred?

15 A By my conversation with Michael --
16 MR. SHERMAN: It's a yes or no, objection.

17 BY MR. BENEDICT:

18 Q Just say yes or no.

19 A Yes.

20 Q What did he tell you?

21 A In a wooded area around his home.

22 Q Did he indicate to you what if anything he did
23 when the beating -- when he finished beating the person?

24 A No, he did not.

25 Q Did he indicate to you whether he engaged in any
26 sexual type of activity himself after the assault was
27 completed?

00172

01 A Subsequently, days later, he said that he had gone
02 back. I don't know if that's true, but that's what I
03 heard.

04 Q He said he had gone back to where?

05 A To the body.

06 Q And, what if anything did he indicate that he had
07 done when he went back to the scene?

08 A It was my impression that he had masturbated on
09 the body.

10 MR. SHERMAN: Was that days later?

11 THE WITNESS: That's what I recall.

12 BY MR. BENEDICT:

13 Q Did he indicate what he did after the assault was
14 completed?

15 A No, he did not.

16 Q Where he went?

17 A I don't recall that.

18 Q Did he give you any indication that anything
19 happened to the golf club in the course of the beating?

20 A No, he did not.

21 Q Prior to this conversation on the stage, did you
22 have any knowledge of any involvement Mr. Skakel may have
23 had in an assault or a murder?

24 A I had been made aware of Mr. Skakel before he got
25 there primarily in reference to his running away, his exit
26 that he took, where he had gone, his reason for being back,
27 what he was doing while he was in Connecticut. That was

00173

01 primarily said but up to that point, there was nothing
02 really said other than what he said to me.

03 Q So, at the time that you were given this

04 assignment of guarding him up on the stage, you did not up

05 to that point have any knowledge from anybody of his
06 involvement in any homicide, murder or any crime?

07 A No, sir.

08 Q You indicated that this assignment lasted for days
09 plural I think was your recollection. How much did you
10 talk about this, more than once or just the one time?

11 A To me?

12 Q To you.

13 A There were subsequent conversations.

14 Q I am referring strictly to while you were
15 performing the assignment of guarding him on stage?

16 A No.

17 Q Were there, following his being released from that
18 particular situation, were you present in the course of
19 other conversations in which Mr. Skakel talked about
20 involvement in this murder?

21 A I would have to say the only other admission that
22 I heard coming from Mr. Skakel was during a therapy session
23 which was referred to as a primal scream therapy session.

24 Q Would you describe what that is, was?

25 A Well, basically, it is a group setting with about
26 six to eight people run usually by a director or a staff
27 member. And basically the mode of therapy is where one is

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01 to get in touch with their pain through repetitive
02 yelling. What comes to mind is that Michael was talking
03 about this in group. He was told to scream out I am sorry
04 repeatedly to get in touch with those emotions. Whether
05 he did or he didn't, I don't recall.

06 Q What do you mean whether he did or didn't, what?

07 A Get in touch with those feelings. I am not him, I
08 can't say whether he did or not.

09 Q He was directed to scream about his involvement in
10 this incident?

11 A This incident or his guilt for this incident.

12 Q Were you present at that primal scream session
13 where he did that?

14 A Yes, I was.

15 Q Were there other residents present in the course
16 of that session that would have heard the same thing?

17 A Yes, there would be, six to eight of them.

18 Q Did you complete Elan?

19 A Yes, I did.

20 Q At least you went through your diploma and
21 certificate, I guess; is that right?

22 A Yeah.

23 Q When did Michael Skakel's -- when did this crime,
24 rather, next come to your attention after your having left
25 Elan?

26 A To the best of my recollection, I saw a segment, I
27 believe it was on Current Affair where I was watching with

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01 my wife in my home and they were leaning, going through the
02 whole thing and were leaning towards the brother, Tommy.
03 And I made a comment to my wife that it wasn't Tommy, it
04 was Michael.

05 Q Did you do anything about your knowledge after you

06 had seen this TV show?

07 A No, I did not.

08 Q At some point, you came to the attention of
09 investigators in this matter. Do you know how that
10 happened?

11 A Subsequently, I was experiencing problems with my
12 wife, was separated from her at the time, was residing in a
13 hotel and came upon a station, MSNBC where they were having
14 a round table discussion as you want to call it about this
15 incident and specifically that there was some evidence for
16 them to believe that it might be Michael Skakel at which
17 point I made a phone call to MSNBC, had no luck getting in
18 touch with anybody as it was a Sunday. I got in touch
19 with the local NBC affiliate in Rochester, channel ten, at
20 which time I don't recall who exactly it was. I told them
21 that I had watched the show on MSNBC and that the person
22 that they were looking for was Michael Skakel, not the
23 brother.

24 Q About how long ago was this?

25 A It was the summer of 1998.

26 Q And, what happened after you got in touch with
27 somebody from this TV show?

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01 A Days later I was contacted by the Assistant State
02 Attorney General from Connecticut, Frank Garr.

03 Q Mr. Garr here?

04 A Yes.

05 MR. BENEDICT: I have no further questions at this
06 point.

07 THE COURT: Attorney Sherman.

08 CROSS EXAMINATION BY MR. SHERMAN:

09 Q Primal scream session, what is a primal scream?

10 A Primal screen session was a group that was held in
11 the afternoon hours consisting of six to eight people where
12 the mode of therapy was to get a person in touch with their
13 feelings of guilt, resentment, anger by repetitive
14 screaming of a certain statement they were told to say by
15 the group facilitator.

16 Q And, in Michael Skakel's primal scream session,
17 who was the group facilitator?

18 A I believe the facilitator was Alice Dunn (ph) but
19 I am not definite of that.

20 Q Alice Dunn?

21 A Yes, sir.

22 Q She lives in Maine?

23 A The last I knew, yes, sir.

24 Q And, so she was obviously there when Michael
25 screamed that he did it?

26 A No, I didn't say that he screamed that he did it,
27 sir. I said he screamed I am sorry.

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01 Q Maybe I misunderstood. When Mr. Benedict asked
02 you if he ever admitted this in a session, I thought you
03 had said that he admitted this in a primal scream session?

04 A I did. That's not what he screamed. He was
05 told to scream I am sorry for what he had said in this
06 session. He didn't scream that he admitted that he killed

07 this girl. He just verbally expressed that and was
08 subsequently told to say that.

09 Q How did he verbally express that, what did he say?

10 A The scream part or the admission, sir?

11 Q Anyone, wherever you want to go, what came out of
12 his mouth?

13 A Basically, verbatim, I couldn't tell you exactly
14 what he said, sir. I could just tell you that it was
15 common knowledge of what was going on --

16 Q I am not asking what is common knowledge. What
17 did you hear with your senses, your ears? What did you
18 hear Michael Skakel say regarding that did he kill Martha
19 Moxley or not. Did you hear him say he did it in that
20 session, yes or no?

21 A Yes, sir.

22 Q What did he say?

23 A I don't recall exactly what he said, sir, just
24 that he was experiencing guilt from the episode and was
25 told to scream he was sorry.

26 Q And, did he scream he was sorry?

27 A Yes, he did.

00178

01 Q What exactly did he say?

02 A I am --

03 Q I am sorry?

04 A I am sorry.

05 Q That's it?

06 A That's it.

07 Q Were people screaming at him?

08 A No.

09 Q Only he screams?

10 A Yes.

11 Q And, he expressed in some way that he committed
12 the crime?

13 A Prior to this, yes.

14 Q I am sorry?

15 A His guilt over what he had done.

16 Q But, you don't remember exactly what he said?

17 A I don't recall, no, sir.

18 Q Why wouldn't you recall that? Wouldn't that be
19 something you would kind of remember, that someone said
20 that they murdered somebody? Wouldn't you remember that?

21 A Yes, I would say so.

22 Q So, why can't you remember?

23 A Because it has been a long time for one and
24 basically I couldn't tell you the exact words that came out
25 of his mouth. Those groups were used to express, like I
26 said, guilt or bad feelings. And I remember that the basic
27 content of the group was his guilt over what he had done

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01 prior to coming to Elan with reference to this murder.

02 Q Are you pretty sure about this, Greg?

03 A Positive.

04 Q Are you as sure about this as you are sure that he
05 told you that he masturbated over the body a couple of days
06 later?

07 A Yes, I am sure he said that.

08 Q So there is no question about that?
09 A No question about that, no.
10 Q And, you are sure about both these things about
11 the same level?
12 A I am sure of the words that he said to me
13 initially meeting him. In the primal scream therapy
14 session, I could not verbatim say what he said, no.
15 Q You are more sure about him saying he masturbated
16 over the body a couple of days later?
17 A I am, yes.
18 Q Alice Dunn was the facilitator?
19 A Alice Dunn was the director of Elan eight who I
20 think facilitated this group.
21 Q So, she certainly would have heard this?
22 A It would be hard for her not to.
23 Q Who else, six or eight people?
24 A I couldn't tell you.
25 Q You don't remember anybody?
26 A I don't remember anybody. I just remember the
27 residents that I lived with. I was in so many groups over
00180
01 a two year period, I don't know specifically name wise who
02 they were.
03 Q But, you do remember Alice?
04 A Yes, I do.
05 Q And nobody else?
06 A No.
07 Q So, what year was this that Michael confessed this
08 to you?
09 A 1978.
10 Q And, then we skip like 20 years, right, before you
11 tell anybody else?
12 A Pretty much, yes.
13 Q Pretty much or --
14 A 21.
15 Q And, that's when you called Brett Davidson at NBC?
16 A Yes. I believe it was Brett Davidson.
17 Q And, he is like the NBC guy up in Rochester?
18 A Yeah, he is the bigwig.
19 Q Why call him? Why not call the police?
20 A I believe the police were already aware of this in
21 this area. I don't know why.
22 Q Did you have any cases pending at that time in
23 Court?
24 A No, sir.
25 Q 1998?
26 A Traffic.
27 Q Nothing going on?
00181
01 A Traffic, I believe, domestic, order of protection.
02 Q How many orders of protection have you had against
03 you?
04 MR. BENEDICT: Objection, relevance.
05 THE COURT: How do you claim that, Attorney
06 Sherman?
07 MR. SHERMAN: I don't, Your Honor.
08 BY MR. SHERMAN:

09 Q You have been convicted of how many felonies?
10 A Convicted of one felony.
11 Q What was that?
12 A Robbery in the second degree.
13 Q What happened?
14 MR. BENEDICT: Objection, relevance.
15 MR. SHERMAN: I think I can claim it, Your
16 Honor. It goes to credibility. It's a felony
17 conviction.
18 MR. BENEDICT: He is allowed to cross-examine the
19 witness as to the existence of the felony conviction,
20 end of story.
21 THE COURT: I will sustain the objection.
22 BY MR. SHERMAN:
23 Q How about grand larceny?
24 A I was convicted in 1983. I pled guilty to
25 robbery second in satisfaction of grand larceny and various
26 other felonies combined in one charge, sir.
27 Q Any felonies for possession of controlled

00182

01 substance?
02 THE COURT: Are you asking about convictions?
03 BY MR. SHERMAN:
04 Q Have you been convicted of any felonies for
05 possession of controlled substance?
06 A Yes, sir.
07 Q You have?
08 A Misdemeanor, yes.
09 Q You have?
10 A Yes.
11 Q But no felonies?
12 A No.
13 Q Have you been convicted of any burglaries?
14 A To the best of my knowledge, that was part of the
15 plea bargain in the robbery, sir.
16 Q In 1983?
17 A Yes, sir.
18 Q How about December of 1999?
19 A That's what I am presently serving time for and
20 that was reduced to a criminal trespassing.
21 Q Misdemeanor, sir?
22 A Yes.
23 Q And, you are doing a year on that?
24 A Yes, sir.
25 Q How about a larceny four. Felony, E felony, 1990?
26 A Subsequently reduced to a misdemeanor, sir.
27 Q Have you ever used a phoney social security

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01 number?
02 A Never, sir.
03 Q You have always given your right name when getting
04 arrested?
05 A Yes, sir.
06 Q And, the time you are doing now, are you looking
07 for anything off that for your cooperation here?
08 A No, sir.
09 Q Are you looking for anything here from the State's

10 Attorney?

11 A Initially, I had asked for nothing in return, no
12 bargains.

13 Q How about now?

14 A A couple of weeks ago, upon learning that my
15 father was dying of cancer, and seeing that my prospects
16 were dim upon getting out of jail and back on the street, I
17 contacted Frank Garr by writing and asked if he could help
18 me financially as to avoid going back to the streets. So,
19 yes, in essence, I did ask for something. Yes.

20 Q You want \$1,200.00 give or take \$100.00 in
21 exchange for your testimony here; right?

22 A No, sir. That's not what that letter says. It
23 said regardless of whether or not he helped me, I would
24 still keep my word as a man and testify at trial.

25 Q Did you get the \$1,200.00?

26 A No, sir.

27 Q Did you get anything?

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01 A No, sir.

02 MR. SHERMAN: Your Honor, the State's Attorney
03 has been kind enough to furnish me with a 42 page
04 transcript of Mr. Coleman's Grand Jury testimony and I
05 have not had ample chance to go through it. And it is
06 almost 20 of so I ask that I be permitted to finish with
07 this witness tomorrow. I think we are ahead of
08 schedule at this point so I ask for some time to be able
09 to do this and finish with Mr. Coleman tomorrow morning.

10 THE COURT: Any objection?

11 MR. BENEDICT: No objection. At the rate we are
12 going, we will finish certainly by the end of the day
13 tomorrow.

14 THE COURT: For today's purposes, we will adjourn
15 and we will reconvene tomorrow morning.

16 (Whereupon, Court recessed.)

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C E R T I F I C A T E

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06 I, Susan Wandzilak, Registered Professional
07 Reporter and Notary Public in and for the State of
08 Connecticut do here by certify that the foregoing pages are
09 a true and accurate transcription of my stenographic notes
10 taken of these Court proceedings.

11

12 I further certify that I am not related nor in
13 any way interested in this case.

14

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SUSAN WANDZILAK