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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. FO1-00dd-01028-0
09 Date: June 21, 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 back on the record in the
02 matter of Michael Skakel. And let's begin, please, with
03 the identifications for the record.

04 MR. COULOUTE: Good morning, Your Honor, Matthew
05 Couloute, Jr., Assistant State's Attorney.

06 THE COURT: Thank you.

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

09 MR. SHERMAN: Michael Sherman representing Mr.
10 Skakel.

11 MR. SKAKEL: Michael Skakel.

12 MR. THRONE: Good morning, Your Honor. Jason
13 Throne representing Michael Skakel.

14 THE COURT: Thank you. All right; Attorney
15 Benedict.

16 You may resume the stand and I remind you,
17 sir, that you are still under oath.

18 THE WITNESS: Yes, Your Honor.

19 THE COURT: Thank you. You may inquire, Attorney
20 Sherman.

21 MR. SHERMAN: Thank you.

22 GREGORY COLEMAN,
23 having been previously duly sworn, testified further as
24 follows:

25 CROSS EXAMINATION BY MR. SHERMAN:

26 Q How are you doing today?

27 A Fine.

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01 Q I asked you yesterday about the letter that you
02 sent to Detective Garr, Inspector Garr -- he is not here
03 yet but he will probably be here later -- where you wanted
04 to iron out some details before coming down here?

05 A Yes, sir.

06 Q Do you remember the letter?

07 A Yes, sir.

08 Q And, you were coming down no matter what, though;
09 right?

10 A Yes, sir.

11 Q You were allowing them to bring you down. You
12 didn't come down of your own power; right?

13 A I would have, yes.

14 Q In the letter, do you recall saying, Frank, I am
15 writing you so I can iron out all these little details that
16 I feel must be addressed before I am transferred from here
17 to Connecticut. Is that what you said?

18 A I believe so, yes, sir.

19 Q Well, if you were coming here no matter what, why
20 would you need to address them before? Why did you say
21 that they must be addressed before you are transferred
22 here? By the way, do you remember the letter? Do you
23 want to take a look at it?

24 A I don't need to see the letter.

25 Q If you need to at any time, just let me know.

26 A No, I remember it.

27 Q It sounds kind of like, well, we got to talk about
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01 this before I come down. Why would you say that?

02 A Well, first of all, you have to understand that I
03 am incarcerated in a maximum security facility. I don't
04 have access to communication at my will. A lot of times I
05 have to put in a request to make a phone call to Mr.
06 Garr. It just wasn't accessible. I thought my best
07 means was to write a letter to him at which point he could
08 get in contact with me. He had an easier time getting in
09 contact with me than I did with him.

10 As far as must iron these things out, you know, I
11 wanted to know specifically, you know, things that I talked
12 to him before about as far as being transported, as far as,
13 you know, what kind of facility I would be in here, what
14 kind of people I would be around here, whether I would have
15 the snitch label over my head with a bunch of other inmates
16 in a general population setting. There was a lot of
17 issues I was concerned about just being an inmate.

18 Other issues I was concerned with was my post
19 release situation. I do not have the benefit of financial
20 assistance at this point. My father has passed away in
21 the last two weeks and because of my past behavior, I was
22 not accommodated by his Will, as far as I know. So, my
23 outlook was to go back on to the street, back into the drug
24 infested neighborhoods I came from, you know, sleeping
25 under a bridge. That's where I came from before I got in
26 jail. And --

27 Q Before this, you had lived on an inheritance; is
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01 that correct?

02 A Yes, but I depleted that inheritance and through
03 marital difficulties, I was asked to leave the house.
04 And, I found myself in the end just having to survive.

05 Q Let me ask you one thing. You are only doing a
06 year; right?

07 A Only doing a year.

08 Q How come you are in maximum security?

09 A That's the way it is.

10 Q Yeah, but you know the system better than all of
11 us.

12 MR. BENEDICT: Objection, Your Honor, relevance.

13 BY MR. SHERMAN:

14 Q You must have an idea as to why --

15 THE COURT: How do you claim this?

16 MR. SHERMAN: I am sorry.

17 THE COURT: There is an objection.

18 MR. SHERMAN: I am sorry, Your Honor.

19 THE COURT: To relevance.

20 MR. SHERMAN: I think it bears on his
21 credibility.

22 MR. BENEDICT: As I recall the question, the whole
23 line started with the letter. We are so far afield of
24 that letter now that we are almost lost.

25 MR. SHERMAN: I don't think there is any rule
26 that I have to follow the specific line of
27 questioning. I can bounce anywhere I want to as long

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01 as it is relevant and germane to the topic. And where
02 he is serving time, how he is serving time and the
03 extent of time he has and the manner in which he is
04 incarcerated bears on the seriousness of the felony to
05 which he has been convicted.

06 MR. BENEDICT: I object to that
07 characterization. He is not incarcerated on a
08 felony. It is a misdemeanor. It goes further that
09 this is my point, it is irrelevant cross-examination.

10 THE COURT: Objection is sustained.

11 BY MR. SHERMAN:

12 Q You have indicated that you sent a letter to
13 Inspector Garr but that nothing was a condition of you
14 coming down here?

15 A No, sir.

16 Q And, what you wanted from him is just to make sure
17 that they didn't label you as a snitch?

18 A No, sir. The contents of the letter primarily I
19 believe refers to money that I was asking for assistance
20 with as the Welfare Department in Rochester, New York or
21 the State of New York has a 45 day delay from the time you
22 put your application in until you can get the benefits. I
23 was asking for assistance to get set up in an apartment,
24 utilities, food and clothes.

25 Q You asked for money?

26 A I asked for money, yes, sir.

27 Q And, you didn't want him to help you get out of

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01 jail or anything like that?

02 A That, I am not going to say that -- that was never

03 brought up along the way here but Mr. Garr has point blank
04 said he will make no concessions.

05 Q But, if it was never brought up, why would he say
06 to you that he will make no concessions?

07 A Because I asked. When I first got arrested, I
08 made sure that I asked if he could help me do this or do
09 that.

10 Q So, it certainly was brought up?

11 A Of course it was brought up.

12 Q In fact, the first time you were ever contacted by
13 Inspector Garr, you said get me out of jail and I will help
14 you; right?

15 A No, that's not true.

16 Q What did you say?

17 A The first time I was contacted by Frank Garr, I
18 wasn't even in jail.

19 Q I am talking about when they arranged to have you
20 give testimony here. When did you first say Frank, get me
21 out of jail?

22 A Well, first of all, originally, I was not
23 contacted by Frank Garr. I was contacted by the District
24 Attorney's Office in Rochester who came to the jail and
25 visited me and said are you aware of a proceeding in
26 Connecticut, are you familiar with that. Yes, I am. Do
27 you have a problem with going back there? No, I don't. I

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01 did not -- those terms were not discussed with Frank Garr
02 at that point.

03 Q Okay; so, when did it first come up that you
04 wanted a pass out of jail for testifying?

05 A I asked him if he could do anything as far as
06 lowering my time. I had already, before talking to Frank
07 Garr, pled guilty to a mandatory year which meant I had to
08 do eight months of that year.

09 Q And, that's on a misdemeanor?

10 A It's on a misdemeanor.

11 Q What misdemeanor?

12 A Criminal trespassing.

13 Q Who was the victim?

14 A My wife.

15 Q I am sorry, so, you asked him to help you get off
16 that mandatory year or not?

17 A No.

18 Q Couldn't do that; right?

19 A No, I asked him if he could do anything to reduce
20 that time from a year, could he make any recommendations to
21 the District Attorney's Office that would work in my favor
22 at sentencing.

23 Q And, this was the first conversation you had with
24 Frank Garr?

25 A I believe it was, yes.

26 Q So, the first time these guys here, the State
27 Attorney's Office in Connecticut, contacted you about

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01 testifying in this case, that very first time, you said
02 yeah, but you got to help me get out of jail; true or
03 false?

04 A No, that's not true.
05 Q Explain.
06 A That's not true. I asked him if he could make
07 any type of recommendation to the District Attorney's
08 Office that would help me reduce my sentence, regardless of
09 whether I testified or not.
10 Q But, you asked him that from the get go, Greg;
11 right?
12 A That's not true.
13 Q I thought you just --
14 A I just told you, the DA's office originally
15 approached me so there wasn't any contact with Frank Garr.
16 Q You said the first time Frank Garr got you, these
17 guys, the State of Connecticut --
18 A I believe it was.
19 Q What is the difference between the way I said it
20 and the way you said it?
21 MR. BENEDICT: Objection, irrelevant.
22 MR. SHERMAN: Withdrawn, I will ask it again.
23 BY MR. SHERMAN:
24 Q So, is there any question that the first time that
25 Inspector Garr told you about this case or inquired of you
26 about this case, you said well, what can you guys do for
27 me?

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01 MR. BENEDICT: Objection, that's not his
02 testimony. Your Honor, he testified, maybe counsel
03 missed it, that he wasn't incarcerated when he was first
04 contacted by our office in this regard. He was only
05 arrested subsequent to the initial contacts with our
06 office in this matter.
07 THE COURT: Objection is sustained.
08 BY MR. SHERMAN:
09 Q Do you remember saying in your letter to Inspector
10 Garr, quote, as we discussed on our last phone call, it is
11 obvious that you won't make any concessions to secure me
12 getting a chance at any type of early release. Saying
13 something off the record has the same effect as saying
14 nothing.
15 MR. BENEDICT: Objection. Would Counsel kindly
16 pose a question. That was not a question; that was an
17 argument.
18 MR. SHERMAN: It was absolutely a question. I
19 asked if he recalled saying these words. It's totally
20 a question.
21 THE COURT: Objection is overruled.
22 MR. SHERMAN: I will repeat it because I am sure
23 you have forgotten.
24 BY MR. SHERMAN:
25 Q Do you remember saying to Frank Garr through a
26 letter, as we discussed on our last phone call, it is
27 obvious that you won't make any concessions to secure me

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01 getting a chance at any type of early release, period.
02 Saying something off the record has the same effect as
03 saying nothing.
04 MR. BENEDICT: Same objection. It's an argument.

05 MR. SHERMAN: Again, that was my question. Does
06 he recall writing that letter to Frank Garr.

07 THE COURT: Objection is overruled.

08 BY MR. SHERMAN:

09 Q Do you remember?

10 A Yes, I do.

11 Q What do you mean by that?

12 A By this point in my incarceration, I was coming --
13 becoming eligible for what was called conditional release
14 which is a month off your sentence in exchange for a year
15 of probation. I had called Frank Garr through my chemical
16 dependency counselor and asked him if there was any way he
17 could make a recommendation as to my participation in these
18 proceedings. He said that he could not make that
19 recommendation but off the record, if I wanted him to talk
20 to my counselor, he would. But, talking to my counselor
21 would have no effect on whether I got early release or not.

22 Q Okay. But, let's go back to my question which is
23 what did you mean by saying something off the record has
24 the same effect as saying nothing. Did you write that?

25 A I did.

26 Q What did you mean?

27 A I meant that as far as him talking to my counselor
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01 off the record, if it wasn't a matter of a record, it would
02 not be included in my application for conditional
03 release. Therefore, it is not a part of the record and it
04 would not be considered.

05 Q So, you weren't talking about your testimony here?

06 A No.

07 Q Do you remember saying since my initial
08 involvement with you, you have always said that if there
09 was anything I needed, then just ask. I have asked you to
10 do things on three separate occasions and each request
11 resulted in the same outcome, nothing. Do you remember
12 that?

13 A Yes, I do.

14 Q He wouldn't help you at all?

15 A No.

16 Q Do you remember saying to him, I understand you
17 put in a lot of time and energy securing an indictment
18 against Mr. Skakel, but I think that we need to review the
19 facts. What did you mean by that?

20 A I am trying to recall my state of mind when I was
21 writing this letter.

22 Q Take your time.

23 A Ask that question again.

24 Q Okay. When you said I understand that you have
25 put in a lot of time and energy securing an indictment
26 against Mr. Skakel but I think we need to review the facts,
27 what did you mean by that?

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01 A Oh, I believe that -- well, being, if you want to
02 say, a product of the system, I know a lot of times
03 attorney's jobs, law enforcement's job, excetera, are made
04 easier when people step forward instead of having to be
05 hunted down. I think I meant that as to say that I came

06 to Mr. Garr or I led myself to Mr. Garr who got in touch
07 with me. It wasn't Mr. Garr who found me. If it wasn't
08 for me coming forward, he might have had a more difficult
09 time here.

10 Q But, what facts did you need to review?

11 A That was the fact itself, that I was coming
12 forward on my own accord. Originally, I had asked for
13 nothing in return, came down here on my own, testified to
14 the best of my ability while being infected with a
15 pneumonia, that I wasn't against -- Frank Garr, possibly I
16 meant that, you know, help me out, do the right thing,
17 that's possible. Again, this letter was written a couple
18 of months ago.

19 BY MR. SHERMAN:

20 Q Well, it was written last month. It was written
21 May 15, 2000?

22 A I believe so. My state of mind at the time, I
23 don't know, but I believe the content of the question was
24 that I was asking for help in a sarcastic way.

25 Q Okay; do you remember saying, you know what I
26 really need, plain and simple, is a matter of financial
27 allowances? Do you remember that?

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01 A Yes, I do.

02 Q And then you spent some time talking about how
03 much money. You said, frankly, the total of these various
04 figures is \$1,200.00, give or take \$100.00. Right?

05 A Yes, I did.

06 Q Do you remember saying I don't want to say that if
07 I don't get this assistance, then because you don't help
08 me, I don't help you. Do you remember saying that?

09 A If it is in that letter, sir, and I wrote it, I
10 said it.

11 Q Do you remember saying in closing, I need some
12 type of verification that you will help me before you come
13 to pick me up in June? Do you remember that?

14 A That was primarily in reference to my status of my
15 transfer here. It was -- he got right back to me with the
16 fact that he could not do anything financially and not only
17 that, he would have to turn this letter over.

18 Q To me?

19 A To the defense.

20 Q And, he did?

21 A And, he did. And, to tell you the truth, I see
22 this letter as no form of extortion, coercion --

23 Q Greg, I never mentioned extortion.

24 A No, but you believe that, you know, I am trying to
25 get the big payoff here for something --

26 Q It's a small payoff. \$1,200.00 isn't a big
27 payoff.

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01 A Damn right. I would testify in this case
02 regardless of if I was still sleeping under a bridge.

03 Q Because you are a good citizen?

04 A I am a good citizen.

05 Q So, if you are a good citizen, why did you wait 20
06 years before calling anybody?

07 A I am going to tell you why and I am glad you asked
08 me that. As I have said in prior testimony, I did not --
09 I was not surprised. I didn't drop over when Michael
10 Skakel revealed to me that he murdered some girl. I was,
11 quote, incarcerated with up to over 100 different people
12 over two years. I heard so many stories it would probably
13 make some people's ears go over but not me. I was in an
14 environment where money was everything, money saved
15 embarrassment of family, prosecution from justice, you
16 know, all kinds of things. You know, I --

17 Q So, you waited 20 years because --

18 A I waited 20 years because I thought that Michael
19 Skakel was going to get away with murder because he was a
20 Kennedy.

21 Q Wasn't he going to get away with murder because
22 you weren't ratting him out? You could have done
23 something about it.

24 A I thought Michael Skakel was going to get away
25 with murder because of who he was, that the police were
26 already well aware of this, because he had already avoided
27 this up to a certain point. And another thing that

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01 brought me to testify, approximately ten years ago my son's
02 mother was murdered, violently murdered by a serial killer
03 in Rochester. I never thought she got any justice, you
04 know what I mean. When I saw this story on TV, I thought
05 to myself, it's about time that Michael Skakel doesn't get
06 away with murder. That's what I thought.

07 Q How soon after that murder, that horrible
08 situation, did you see the show on TV?

09 A It was probably ten years later.

10 Q So, your conscience was shocked by the murder of
11 your child's mother and that had kind of a ten year waiting
12 period before the conscience rose to the surface, you
13 watched the television show and you called NBC. Help me
14 out here, what am I missing?

15 A Okay, I don't know how much time you got and how
16 much you want to hear.

17 Q You know something, we have all the time you have
18 got. We have the balance of the year to do this.

19 A I would have to tell you about my life style,
20 everything. This was a point in my life where I lost my
21 wife, my kids, my house, my money. I was living in a
22 hotel, lost, okay. I watched something. Something made
23 me feel like shit, whatever that feels like and I made a
24 phone call. I didn't see anything about rewards. I
25 didn't see anything about trips to the Bahamas.

26 Q This is the MSNBC show?

27 A It's MSNBC.

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01 Q With Mark Furman?

02 A Mark Furman, yes.

03 Q Do you remember who else was on the show?

04 A Dominic Dunn (ph), I believe.

05 Q Ted Dumass (ph) over there, the guy second in the
06 row?

07 A I asked someone in the hallway who he was because

08 he looked familiar to me but I do not recall him, per se,
09 on the show.

10 Q You saw the show?

11 A I saw the show. I heard about the books, blah,
12 blah, blah.

13 Q Let me ask you a question. When you saw the
14 show, what were they talking about?

15 A My recollection is that they were talking about
16 new evidence.

17 Q What was the new evidence?

18 A Well, facts leading to, swaying towards it could
19 be Michael rather than Tommy.

20 Q Right, and they were talking about somebody was
21 murdered with a golf club?

22 A Right.

23 Q You learned that from the show?

24 A No, I didn't learn that from the show.

25 Q You already knew that?

26 A I knew that.

27 Q Did you learn anything different about the golf

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01 club? You said that it was a driver. Didn't the show say
02 it was something else?

03 A Yes, they did. No, I believe subsequently, I
04 learned about the golf club on a new show after he had
05 turned himself in.

06 Q So, you have seen a bunch of shows about this case
07 before you came here?

08 A I have seen three shows.

09 Q Did you read any of the books?

10 A No.

11 Q Now, how do you account for the fact that you saw
12 a show that talked about a golf club that wasn't a driver?

13 A Well, they, on the show, on the news, they showed
14 a, I believe it was a six iron, just the head and part of
15 the shaft.

16 Q Greg, here is the club, this is it. That's not a
17 driver.

18 A I know it is not.

19 Q Michael Skakel told you he killed her with a
20 driver?

21 A That's my recall, yeah.

22 Q That's it. When you say that's your recall,
23 that's it. You told us that about four times yesterday?

24 A Yes.

25 Q What do you think? How do we account for that?

26 A As I said before, that is what I heard, that is
27 what I recall and that's what I am sticking to.

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01 Q That's your story and you are sticking to it?

02 A That's right.

03 Q The same thing about the masturbating on the body,
04 there is some confusion. I want to make sure I got this
05 right. Are you telling us that he told you he did this
06 and then a few days later, he told you, by the way, I
07 masturbated on the body?

08 A That's not what I heard.

09 Q What did you hear?
10 A Contrary to what has been told to me now, I recall
11 him saying, whether it was factual or not, that he returned
12 to the body two days later and masturbated on the body.
13 Q And, again, is that your story and are you
14 sticking to it?
15 A Yes, sir.
16 Q And, you told us yesterday that you were as sure
17 about that as everything else and probably more so; right?
18 A That's what I remember coming out of Michael
19 Skakel's mouth, yes, sir.
20 Q So, it is not that he told you a couple of days
21 later. What he said is that no, I killed her and then a
22 couple of days later, I came back and masturbated on the
23 body?
24 A Yes, sir.
25 Q No question about it?
26 A No question.
27 Q You believed him?

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01 A I believed him.
02 Q So, you never answered the question as to why
03 after you were outraged and upset over that horrible murder
04 of the mother of your child that you waited ten years to
05 call the authorities which you actually didn't, you called
06 the NBC station -- why did you wait ten years?
07 A Maybe because I was preoccupied. I was very
08 heavy into drugs.
09 Q For ten years?
10 A I am 38, I started a long time ago.
11 Q When did you start?
12 A I started before I went to Elan, just getting
13 introduced to it although that wasn't the reason I was sent
14 to Elan. I really started when I got out of Elan.
15 Q More so?
16 A Yes, very much so.
17 Q Nobody is here trying to dis you and everybody
18 feels for you and no one wants to do any harm to you but is
19 it possible that all the drugs that you have taken, and the
20 abuse and whatever, has effected your memory just a little
21 bit about this case?
22 A No.
23 Q You remember --
24 A Something last week I might not remember very well
25 but I remember this very well.
26 Q Do you want to explain that to me?
27 A Yeah, my short term memory has been definitely

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01 effected by the use of drugs and alcohol.
02 Q But, not your long term memory?
03 A No, my long term memory has not been effected.
04 Q Have you ever seen a psychologist or psychiatrist
05 about that problem?
06 A Yes.
07 Q Yes?
08 A Of course. I am an alcoholic and a drug addict.
09 I have seen all kinds of people.

10 Q Are you diagnosed with any specific ailments?
11 A Yes, I am chemically dependent, alcohol dependent.
12 Q Learning disabled?
13 A No, sir.
14 Q Attention deficit disorder?
15 A No, sir.
16 Q Dyslexic?
17 A No, sir.
18 Q Personality, borderline personality disorder?
19 MR. BENEDICT: Objection, relevance.
20 THE COURT: How do you claim all this, Attorney
21 Sherman?
22 MR. SHERMAN: I don't, Your Honor, and I won't go
23 on.
24 THE COURT: So why go there.
25 BY MR. SHERMAN:
26 Q So, we don't have an answer as to why you hear
27 this confession, ten years later, you are outraged by the
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01 death of your child's mother and then another ten years you
02 call the NBC affiliate in Rochester to report it?
03 A You know, I think there came a time when I saw the
04 mother on TV --
05 Q Mrs. Moxley?
06 A Yes. And --
07 Q And, you called her?
08 A No, sir, I have never talked to her.
09 Q You called the State Attorney's office?
10 A No, sir, I did not. I called NBC.
11 Q You called NBC?
12 A Yeah.
13 Q Do they have any police powers that you are aware
14 of, the network? Why NBC? Why not ABC? Why not CIA? Why
15 not Fed Ex?
16 A I had seen the show. Common sense, I saw the show
17 on MSNBC so I called NBC.
18 Q Makes sense, I guess.
19 A Sure does.
20 Q You were assigned to guard people, correct, at
21 Elan?
22 A That is correct.
23 Q Do you remember testifying before the Grand Jury?
24 A Yes, I do.
25 Q And, do you remember what you told the Grand Jury
26 in your testimony as to what squad you were on?
27 A I was -- the technical term, I was a night owl as
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01 they called them but they referred to it as the goon squad.
02 Q How about the gorilla squad?
03 A The gorilla squad too.
04 Q In fact, that's what you testified to before the
05 Grand Jury; right?
06 A One of the two, yes, it's possible. Yes.
07 Q Do you remember saying I had been assigned to what
08 they call the gorilla squad because of my size, to watch
09 him, to watch him sleep, watch him eat, watch him do
10 anything?

11 A Yes, sir.
12 Q And, did you tell the Grand Jury that if he got
13 out of line, you know, we were given bats to put him back
14 in line?
15 A Yes, sir.
16 Q Did you have a bat?
17 A Yes, sir.
18 Q Did you ever use it?
19 A No, sir.
20 Q Did you ever use it on anybody?
21 A No, sir.
22 Q You never used it on anyone?
23 A No.
24 Q Period?
25 A No, sir.
26 Q Did you ever see anybody use any bats or paddles
27 on anybody?

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01 A Paddles.
02 Q Did you ever use a paddle on anybody?
03 A Yes, sir.
04 Q Who? Lots of people?
05 A Lots of people.
06 Q Kim Freehill (ph)?
07 A Most likely.
08 Q Did she have to be air lifted out of there because
09 of her injuries?
10 A My memory does recall, may very well, yes.
11 Q Is that a yes?
12 A I believe I was involved in that because I was
13 involved in the rituals of the house.
14 Q So, you were involved in the paddling of a young
15 girl who had to be air lifted out of there because of her
16 injuries; correct? Yes or no?
17 A Yes.
18 Q You indicated that Michael Skakel not only
19 confessed to you but he confessed to a lot of people; is
20 that right?
21 A I believe I testified to that.
22 Q Forget what you testified to. As you recall
23 right now, because this is not short term, this is long
24 term stuff that you should remember?
25 A As I recall sitting here this morning, I just
26 remember that it was like common knowledge where I lived
27 that this happened. After the fact of what he had told

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01 me, it seemed like everybody knew about this. It wasn't a
02 hidden thing.
03 Q And, you told the Grand Jury that he talked about
04 it to you, he talked about it to other people, he talked
05 about it in groups; right?
06 A Yes, sir.
07 Q And, you said that he talked about it at dinner
08 and you said that it didn't seem that Michael Skakel had
09 many problems keeping hidden the fact that he killed this
10 girl; right?
11 A That's my belief, yeah.

12 Q You swore to that at the Grand Jury?
13 A Yes, sir.
14 Q You said he was going to get away with it, nobody
15 was going to question him, that nobody was going to find
16 out where he was; right?
17 A I don't know, per se, if those were his exact
18 words but I believe, and you don't have to show me
19 anything.
20 Q I will show it to you anyway. I want to make
21 sure we have it right.
22 MR. BENEDICT: I object. He is trying to
23 respond. Let him respond.
24 MR. SHERMAN: I am sorry, do you remember the
25 question?
26 THE WITNESS: No, I don't.
27 BY MR. SHERMAN:

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01 Q My question, I will be very specific, do you
02 remember swearing under oath before the Grand Jury that
03 Michael Skakel said that no one could find out where he
04 was, that no one could find out where he was? Is that what
05 he told everybody?
06 A I believe that's -- yes, I believe that.
07 Q How could they not find out where he was?
08 A As I said before, as a product of the system, I
09 knew the various strict Federal guidelines that had to be
10 followed as far as admission, that a client is present in
11 the facility and in what capacity he is in that facility
12 and that people don't even have to acknowledge that he is
13 in a facility, they are protected by Federal regulations as
14 to that fact.
15 Q You also told us that he has told everybody who he
16 was, he is a Kennedy, nobody is going to touch him, he is
17 going to get away with murder, he killed this girl. I
18 mean, he told so many people yet no one was going to rat
19 him out?
20 A Well, let's go back to where Elan is. Elan is in
21 the back woods of Maine, secluded from the very life itself
22 that goes on outside, no newspapers, no news, no
23 television, no anything. We were put there as adolescents
24 cut off from the world, okay. You couldn't write without
25 it being scrutinized. You couldn't make a phone call
26 without someone listening. You at certain times had
27 people sitting at your table to prevent you from saying

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01 certain things, okay. It wasn't like I could make the
02 choice to get on the phone, call the police and say look,
03 this guy is here saying this, this and this, you know what
04 I mean. That was an impossibility.
05 Q So, you think that nobody reported that Michael
06 Skakel was there. Do you think the police were actively
07 looking for Michael Skakel while he was there?
08 A I don't know what was in the minds of the
09 police. I don't know what the police were doing.
10 Q But, you think he was hidden there?
11 A Oh, definitely.
12 Q Do you remember giving an opinion to the Grand

13 Jury as to whether or not Michael Skakel said he was drunk
14 or intoxicated or on drugs when this murder occurred?

15 A I remember that question, yes.

16 Q And, what did you say?

17 A I did not recall any, per se, with this crime, any
18 involvement with drugs or alcohol that he -- or that he had
19 mentioned any involvement with drugs or alcohol.

20 Q In fact, do you recall telling the Grand Jury, I
21 don't remember any discussion of being drunk, being under
22 the influence, nothing, as to that would be a factor of
23 this murder? Right?

24 A Correct.

25 Q And, you stand by that?

26 A Yes.

27 Q Did you ever hear anything about a blackout or
00028

01 anything like that?

02 A No, sir.

03 Q Now, you heard him talk about this in discussion
04 groups or in general meetings?

05 A Yes.

06 Q And, I may have the terms mixed up so you tell me
07 if I am wrong, but is there a difference between a general
08 meeting and a haircut or a discussion group or what?

09 A There is a difference on everything in Elan.

10 Q In what manner did you hear, what form, what
11 group, what setting did you hear Michael Skakel confess to
12 a lot of people?

13 A I heard Michael Skakel, I don't know if you want
14 to call it a confession, or more that he was being led
15 through the so-called therapeutic process of bringing these
16 things out.

17 Q Wait. Let's hold that right there because that's
18 why we are here, whether or not this was a confession or
19 some therapeutic process. What do you mean by that? What
20 does the second part of that mean? What is the difference
21 between a confession or the second thing, the therapeutic
22 process?

23 A My interpretation of that is that this wasn't
24 something that Michael Skakel just walked into group one
25 day and said I killed this girl. This was something, as I
26 said, that seemed to be common knowledge to the residents
27 and more was a topic of the group upon confrontation by the

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01 facilitator.

02 Q So, was it a confession or was it an encounter
03 group whereas you told the Grand Jury, a group where
04 everybody would sit in a circle and it would be an occasion
05 where you were able to vent your anger at anybody through
06 verbal confrontation. Could you swear at him, say anything
07 you wanted to him. Is that the kind of confrontation it
08 was?

09 A There was confrontation more in the encounter
10 groups, excuse me, more of a confrontation based towards
11 Michael Skakel was based on his arrogance, his pompous
12 attitude, cockiness. People had a problem with that.

13 Q People would scream at him, spit in his face and

14 actually beat the crap out of him; wouldn't they?
15 A I don't recall Michael Skakel being beaten, never.
16 Q Never. You ever see him lose teeth in a boxing
17 ring or anything like that?
18 A No.
19 Q Did you ever see him in a boxing ring?
20 A Everybody was in a boxing ring.
21 Q Describe that.
22 A The ring was a setting for which if you presented
23 yourself in an aggressive fashion, violent fashion, it was
24 a punishment. They put you in a boxing ring with an
25 opponent and basically you were in that ring until you no
26 longer could stand up.
27 Q Or until you said what they wanted you to say; am
00030
01 I right?
02 A That could be.
03 Q Am I right?
04 A That could be.
05 Q Is that a yes?
06 A It's not a yes or it's not a no. I mean, some
07 people never broke. Some people broke just to stop --
08 Q But, the idea was they put them in the ring to
09 beat the hell out of them until they broke; yes?
10 A I believe that was --
11 Q And, some people broke and some people didn't;
12 right?
13 A I believe so.
14 Q Kim Freehill didn't break, she just got injured so
15 badly they took her out in a helicopter; right?
16 A Well, let me tell you about Kim Freehill.
17 Q Well, I don't think we want to hear about it but
18 thanks anyway.
19 How about Michael Skakel, did he break?
20 A I don't even remember Michael Skakel getting a
21 general meeting for him running away. I remember Michael
22 Skakel, as I have said, being on the stage, making a
23 confession to me, just the way it happened.
24 Q And, anybody else besides you?
25 A I don't remember the other person. I have given
26 Frank Garr a list of names that I believe could be one of
27 the other people. But I could not sit here and say yes, it
00031
01 was definitely this person.
02 Q Well, how many people did he confess to in that
03 conversation?
04 A What conversation?
05 Q How many times did he confess to you? How many
06 times did you hear him say I did it, I murdered this girl?
07 A Originally, when I guarded him, the first time he
08 had made a reference to it, and the other time, to the best
09 of my recollection, coming from his mouth, was in a primal
10 scream therapy session.
11 Q Two times?
12 A Yes.
13 Q The first time, it was like two in the morning and
14 you are the gorilla guy there; right?

15 A Right.
16 Q And, you are guarding him; right?
17 A Right.
18 Q He wasn't also a gorilla himself; was he?
19 A Later on, yes.
20 Q Was he a chimp at that point or something?
21 THE COURT: Are we talking on the night in
22 question?
23 MR. SHERMAN: Yes -- no, I am talking about two
24 in the morning when he was confessing to Mr. Coleman.
25 THE COURT: All right; was Mr. Skakel a gorilla at
26 that time.
27 BY MR. SHERMAN:
00032
01 Q Yes.
02 A No.
03 Q And, this was a private conversation between just
04 you and him?
05 A No, I believe the person that was -- we were all
06 up at this hour in the morning sitting around and
07 talking. And, I believe that this other person also heard
08 this.
09 Q So, it was you and somebody else?
10 A Yes.
11 Q And, who was that person?
12 A I do not recall his name.
13 Q Do you remember, what does he look like?
14 A I don't remember. I remember that -- you have to
15 remember, I had only been there like about two weeks at
16 this point. I don't remember the name. I don't remember
17 the face.
18 Q Had anyone ever confessed to murder to you before,
19 Greg?
20 A No.
21 Q Has anyone confessed to murder to you since then?
22 A No.
23 Q This was kind of a rare event; wouldn't you say?
24 A Yes.
25 Q So, why wouldn't you remember almost every detail
26 of the day that somebody confessed a murder to you, not
27 just somebody, a Kennedy, an invincible Kennedy who is
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01 hiding there from the world of authorities?
02 MR. BENEDICT: Objection. Ask a question.
03 BY MR. SHERMAN:
04 Q Why wouldn't you remember that? How can you not
05 remember who else was there? You have a good memory long
06 term, bad short term?
07 A A lot of years, a lot of drugs, I don't remember
08 who was there.
09 Q But, you remember everything else about it?
10 A I remember his confession, yes, sir.
11 Q But, not who was there?
12 A That is correct.
13 Q What were you wearing?
14 A What was I wearing?
15 Q You don't remember; right?

16 A I don't remember.
17 Q Do you remember what he was wearing?
18 A I don't remember. Most likely he was wearing
19 shorts and a T-shirt because that was general apparel for
20 someone --
21 Q Was his left arm in a sling?
22 A No.
23 Q Are you sure?
24 A Yeah.
25 Q And, then he confessed on many occasions in
26 encounter groups, right, or in just one or how many?
27 A No, I was one of those residents that had a

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01 problem with Michael Skakel's attitude as far as his
02 arrogant, cocky, self serving, whatever else you want to
03 say, attitude and I did a confrontation with Michael Skakel
04 in my duties there.
05 Q And, what were your duties there?
06 A Primarily I ended up being responsible for the
07 security of the facility.
08 Q Was that like head gorilla?
09 A No, sir. That was coordinator of the expediters.
10 Q Coordinator of the expediters?
11 A Yes, sir.
12 Q And, describe your interaction with Michael Skakel
13 as coordinator of the expediters. Was there any physical
14 contact between you and he?
15 A Never.
16 Q Was there any verbal contact? Did you scream at
17 him? Did you spit in his face? Did you holler at him?
18 What did you do?
19 A I believe, except for in a group setting, I showed
20 Michael Skakel all the respect that I showed anybody
21 else. I never spit in anybody's face unless that was the
22 setting for it.
23 Q Wait. Wait. What do you mean, unless that was
24 the setting for it?
25 A That is correct.
26 Q How would you know when it is the setting to spit
27 in somebody's face?

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01 A Because they had what was called a general
02 meeting.
03 Q Yes.
04 A And, the general meeting was a setting where you
05 literally charge the person who was facing the house. You
06 charge him and had the opportunity to express any feeling
07 verbally you wanted, not physically. And in the process,
08 and a lot of people did it on purpose, where they ended up
09 spitting on the person but in the process of yelling at
10 somebody, it was an easy process for spit to come out of
11 your mouth and that's pretty much what happened.
12 Q And, the purpose of this was to what?
13 A I have no clue.
14 Q Okay. You told the Grand Jury, you told us today
15 that Michael Skakel confessed twice in your memory; right?
16 A Yes, sir.

17 Q Once in the private thing with the guy who you
18 don't know who the person is and then once in an encounter
19 group?

20 A No, once in a primal screen.

21 Q At the primal screen thing that is being run by
22 Alice Dunn; right?

23 A I believe so, yes.

24 Q Is that what you told the Grand Jury under oath?

25 A I believe so, yes.

26 Q Do you remember the question that was asked of you
27 in the Grand Jury, okay, now, how many times did you
00036

01 personally recall talking about the murder and what you
02 said? Do you remember that, by any chance?

03 A I missed that, sir.

04 Q Okay; do you remember telling the Grand Jury that
05 personally, one to one, I would say that I talked to him
06 one to one probably five or six times about the murder.
07 Did you say that to the Grand Jury? Do you remember?

08 A If it's part of my minutes, I must have said it.

09 Q And, again, I don't want to put words in your
10 mouth or trick you, so do you want to take a look at it to
11 refresh your memory?

12 A It's not necessary.

13 Q Are you sure?

14 A Yeah.

15 Q You don't recall saying, I would say I talked to
16 him one to one probably five or six times about the murder?

17 A I believe I said that at the Grand Jury. I don't
18 believe that --

19 Q Was that a mistake?

20 A I believe that was a mistake.

21 Q Have you made any mistakes yesterday or today that
22 we should know about?

23 A Yeah, I would say I could have mistaken one on one
24 for groups. I could have mistaken one on one for general
25 meetings. I could have mistaken one on one for
26 haircuts. But, I heard this more than a couple of times
27 as an issue with Michael Skakel at Elan.

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01 Q That other people talked about?

02 A And where I was in direct, the direct environment
03 with this issue.

04 Q So, you heard this as an issue where you were in
05 direct environment with the issue?

06 A Yes.

07 Q Okay; but, how many times did you hear Michael
08 Skakel confess to this murder? Once, twice, six times,
09 none?

10 A Twice, sir.

11 Q Just twice?

12 A Yes, sir.

13 Q So, that's different than what you told the Grand
14 Jury?

15 A I believe it is.

16 Q And, Greg, I don't want to twist your words. You
17 have been through the system and I don't want to be someone

18 who preys upon you. Are we getting this right now?
19 A I believe we are, yes.
20 Q What you told the Grand Jury was wrong?
21 A I believe it was.
22 Q It's not that you lied, you just made a mistake?
23 A Yes, it was.
24 Q And, again, are you making any mistakes today or
25 yesterday, not on purpose, but you are just getting the
26 facts wrong, getting recollection wrong because he is on
27 trial maybe for murder and it's really important?

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01 MR. BENEDICT: Objection. Ask a question.
02 MR. SHERMAN: May the last part be stricken, Your
03 Honor?
04 THE COURT: It may be.
05 MR. SHERMAN: Thank you.
06 BY MR. SHERMAN:
07 Q Are you making any mistakes now on this thing?
08 A I would say my recall at times would be
09 questionable.
10 Q Greg, those ten seconds really bother the hell out
11 of me, I got to tell you.
12 MR. BENEDICT: Objection. Counsel, please.
13 THE COURT: Attorney Sherman.
14 MR. SHERMAN: I am sorry, Your Honor. I
15 apologize to the Court.
16 BY MR. SHERMAN:
17 Q So, you may be mistaken about some of this?
18 A I will stand by, and I will repeat again, I know
19 what I heard upon initially meeting Michael Skakel. I
20 testified to that. I am sure of that, not 99.9 percent,
21 100 percent. Those are the words that came out of his
22 mouth.
23 Q That he masturbated on the body; right?
24 A Yes, sir.
25 Q Part of your duties there was to sit with somebody
26 or talk to somebody and then make out reports; is that
27 correct?

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01 A Yes, sir.
02 Q Why would you have to do that? What role did you
03 have that you would have to write out reports?
04 A Good question. I question a lot of things about
05 Elan. I believe in my duties, when I reached a certain
06 level, I had to do peer reviews, possibly. I know that
07 facility. That might be what you are talking about.
08 Q Okay, well, you testified before the Grand Jury
09 that somebody from the State Attorney's office asked you,
10 now, you had reports you had to fill out; right? Do you
11 remember that?
12 A No, I don't remember that. But if I said it, and
13 it's in there, I must have said it.
14 Q And, they said every night and you said um-uh?
15 A No, only when I was on night staff.
16 Q Perhaps when you were on night staff?
17 A Yeah.
18 Q So, when you were on night staff, you would have

19 to fill out reports every night?

20 A They were called dailys.

21 Q Dailys, okay. And, the purpose of those reports
22 was what?

23 A To keep a record of the daily activity.

24 Q And, did you make out a report the morning after
25 he confessed to the murder of Martha Moxley?

26 A It wasn't my job.

27 Q What do you mean it wasn't your job?

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01 A It wasn't my job to make out a report. I was a
02 new resident. At that point I didn't really even know
03 about making reports. It was not my job. Basically the
04 content of the dailys was what happened in groups, what
05 happened in haircuts, what happened in general meetings,
06 lectures. Basically, as far as reports made while
07 overseeing somebody, unless, well, the guy got up and ran
08 away again, there was no reports, really.

09 Q So, that wasn't the kind of a fact that you would
10 put in those reports?

11 A I don't believe that fact was ever put in a report
12 by me, no.

13 Q And, in fact, neither Mr. Benedict or Mr. Goluzo
14 (ph) or somebody asked you in the Grand Jury, did you ever
15 indicate in your reports that you indicated he was there
16 because he indicated that he killed somebody with a golf
17 club? Did you ever indicate that? They asked you about
18 that in the Grand Jury. Do you remember that?

19 A No.

20 Q Again, just take a second so you have it
21 right. Does this refresh your recollection as to the
22 questions that were posed to you at Grand Jury?

23 A Basically, I believe that was a part of the dailys
24 in reference to the primal scream therapy session that took
25 place and that I had to -- I was at that point in my career
26 at Elan in charge of copying those, you know. These were
27 an amassment of different things with different groups that

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01 had to be compiled into a chronological time frame during
02 the day and had to be written out, the night report had to
03 be written out. And, I believe I was assigned to write
04 that and that the content of that primal session was in
05 that daily that I had to write.

06 Q So, you had to write up the daily that followed
07 the primal scream session where Michael Skakel confessed to
08 the murder?

09 A I believe so.

10 Q And, when you wrote that up, what words did you
11 use to describe how he confessed to this murder?

12 A These weren't my words, sir. These were the
13 words of whoever had made that entry into the daily. All
14 I did was copy it word for word, the way it was written.
15 It could have been anybody.

16 Q But, in fact, there was nothing written about that
17 confession; was there?

18 A I believe there was, in the dailys, as a part of
19 the record of the primal scream session.

20 Q Do you want to refresh your memory as to what you
21 told the Grand Jury?

22 A No, I do not.

23 Q Did you tell the Grand Jury, basically the
24 reports, the reports that were written, were daily
25 activity, therapeutic type activities like haircuts where
26 people would get reprimanded or groups, stuff like that.
27 There is, where stuff was written down like that but

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01 generally, something general about somebody, no. I never
02 came upon occasion to have to write something down. This
03 guy was talking about murdering some girl and I didn't
04 think, I didn't think it was a very hidden fact in the Elan
05 facility anyway. I think most people knew about it.

06 Was that the response you gave to the State's
07 Attorney when they asked you did you write anything down
08 about the Michael Skakel confession?

09 A I myself never wrote down anything on my behalf
10 about Michael Skakel confessing to this to the best of my
11 knowledge.

12 Q Why not?

13 A Because I didn't have to.

14 Q Don't you think --

15 A It wasn't required.

16 Q But, don't you think it was kind of important?

17 A Well, I mean, if you had been there, you would
18 have probably -- probably would have thought what I was
19 thinking. It was --

20 Q Common knowledge?

21 A It was an acceptable thing.

22 Q It was common knowledge. Everybody knew about it
23 so you didn't have to write it down. So, the things you
24 would write down were, what? What would be a typical
25 report?

26 A Misbehavior.

27 Q What is misbehavior? What do you mean by that?

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01 You talk back to somebody, you swore or chew gum in line?

02 I mean, what are we talking about?

03 A What we are talking about, basically, is Elan was
04 a facility which thrived on the guilt notion that anybody
05 that had any knowledge of anything was to go to a member of
06 my staff, report to them what they heard, what they saw,
07 what they thought. It was my job to deal with it. So, I
08 am sure over the years, I made various reports, various
09 reprimands, various verbal, aggressive type behavior to
10 deal with people the way I had been taught to deal with
11 people by Joseph Ricci and the people of Elan.

12 Q But, you would never consider it important to put
13 in these reports the fact that somebody confessed to a
14 murder?

15 A I may have. I don't recall whether I did or I
16 didn't. I cannot give you a definite answer, sir.

17 Q I am showing you a copy of the letter -- this is
18 the letter that you sent to Inspector Garr, right, three
19 pages?

20 A Um-uh.

21 MR. SHERMAN: I have read from it, Your Honor. I
22 am going to offer it as an exhibit.
23 MR. BENEDICT: No objection.
24 THE COURT: It may be marked as Defense Exhibit A
25 or do you use numbers?
26 THE CLERK: I was just going to go sequentially.
27 THE COURT: That's fine. Then what would it be?
00044
01 THE CLERK: That would be 26, Your Honor.
02 THE COURT: 26, full exhibit.
03 BY MR. SHERMAN:
04 Q Greg, you have been here like some time now and I
05 am sure you are kind of tired and I am not going to take
06 anymore time with you. You are pretty sure that Michael
07 Skakel confessed to this crime?
08 A Without a doubt, sir.
09 Q But, you are also sure that he told you that he
10 used a driver; right?
11 A That's what I heard, yes, sir.
12 Q And, you also said that he masturbated on the body
13 a couple of days after that?
14 A That's what I heard, sir.
15 Q And, you told the Grand Jury something different
16 than you told us today; right? You told them one to six
17 times he confessed but only twice today?
18 A To the best of my knowledge, the direct admission
19 I heard from his mouth was twice.
20 Q But, you agree that you told the Grand Jury
21 something different?
22 A Yes, I do.
23 Q Under oath?
24 A Yes, I do.
25 Q And, you didn't lie, you just made a mistake?
26 A Yes, I did.
27 Q And, that's because, as you said, after reflecting
00045
01 for awhile, that your recall may be questionable?
02 A Yes, sir.
03 Q And, you are honest enough to tell us that?
04 A Yes, sir.
05 Q If you were sitting on a Jury, would you allow
06 yourself to be convicted by your testimony?
07 MR. BENEDICT: Objection.
08 THE COURT: The objection is sustained.
09 MR. SHERMAN: Thank you.
10 THE COURT: Attorney Benedict.
11 MR. BENEDICT: Thank you, Your Honor.
12 REDIRECT EXAMINATION BY MR. BENEDICT:
13 Q The letter that counsel introduced into evidence
14 and cross-examined you from, in that you were requesting an
15 amount of money, \$1,200.00, approximately, what was the
16 need -- what was that money needed for?
17 A The money I requested was based on my situation.
18 My situation was one of when you are released from the
19 correctional facility, it is basic common practice to let
20 you out the door. Then their job is done. Where you go
21 from there is not up to them. So, it is up to me to find

22 housing, to find food, to find clothes.

23 Q So, what specifically were you requesting --

24 A The amounts that I was requesting were per the New
25 York State Department of Welfare guidelines for a single
26 male in my position with a disability and under the
27 treatment for alcohol and chemical dependence. And that
00046

01 was the first month's rent, first month's security and the
02 amount of \$375.00, clothes, because I have no clothes, and
03 I have gained 60 pounds, utility down payment and I think
04 that's it.

05 Q Why were you only looking for funds that would
06 cover a month?

07 A Because I would be able to start welfare -- there
08 is an amount of time, 45 days, before they activate you.
09 So 45 days wandering the streets of Rochester could be life
10 or death for me. I wanted to go from jail to a secure
11 safe environment.

12 Q Have you received any funds?

13 A I received nothing.

14 Q Have you received any expectation of receiving any
15 funds from the State of Connecticut?

16 A No. I was told no concessions whatsoever would be
17 made in regards to this case.

18 Q You indicated when you were cross-examined as to
19 that letter that you also had some concerns as to the
20 nature of incarceration or custody in which you would be
21 held upon reaching Connecticut and you were concerned about
22 being labeled as a snitch. What did you mean by that?

23 A Well, basically, I live right now with 30 other
24 inmates in a facility that holds 500. It is common that I
25 walk the hallways, participate in recreation and could
26 become a victim.

27 Q Why does the label snitch concern you?

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01 A It's a dangerous label to have. I don't really
02 feel as though I am a snitch. What other people think is
03 their business but that does not stop someone from coming
04 at me.

05 Q Does the label -- you are in jail. You have been
06 in jail for I don't know how many months now?

07 A Going on seven months.

08 Q And, you had been incarcerated prior to this
09 incident; is that correct?

10 A That is correct.

11 Q What effect does the label snitch have on an
12 inmate in a prison setting?

13 A Oh, it could mean death. Usually what it means
14 in New York State, they have a term called getting a buck
15 fifty. And what a buck fifty is is they take a razor and
16 they slice you from here to here which will cause you to
17 have 150 staples in your face.

18 So, my concerns weren't really with the Rochester
19 setting. It is more of what I was coming to here. I
20 didn't know what I was coming to. I didn't know if they
21 were going to put me in an adequate type setting, a minimum
22 security -- I didn't know.

23 Q Excuse me, I am going to go from subject to
24 subject because redirect is tracking the order of Mr.
25 Sherman's cross and he kind of bounced around.
26 You are serving a sentence for a misdemeanor of
27 criminal trespass at this time; is that correct?

00048

01 A Yes, sir.
02 Q And, that was for entering a home and that was
03 what home?
04 A That was a home that was purchased by my wife and
05 myself but I eventually turned over the deed into my
06 wife. So, in the eyes of the law, it was my wife's house.
07 Q You had been having domestic problems and
08 difficulties with your wife?
09 A Yes, sir.
10 Q Are you now divorced from her or --
11 A No, we are very much together at this point.
12 Q Had there at that time been a protective order
13 placed against you from going into that house?
14 A No, sir.
15 Q However, you went to the house and somehow the
16 police were called?
17 A I went to the house and the alarm went off.
18 Q And, the police caught you there?
19 A Yeah.
20 Q And, you weren't supposed to be there?
21 A I didn't know that. I was not aware. My mode of
22 entrance wasn't liked, but I did not --
23 MR. SHERMAN: I am sorry, I missed that. Your
24 mode of entrance --
25 THE COURT: Wasn't liked.
26 MR. SHERMAN: Wasn't liked.
27 THE WITNESS: I had been there prior to this

00049

01 incident. I had no where else to go and it was cold
02 out. So, I went there and entered the house. She got
03 smart and put an alarm in.
04 BY MR. BENEDICT:
05 Q You are due to get out on this, it's a mandatory
06 year of which you have to do eight months?
07 A Yes, sir.
08 Q And, your release date is?
09 A August 8.
10 Q So, going back, you must have been incarcerated
11 initially around sometime in January or thereabouts. When
12 were you arrested?
13 A December 8.
14 Q Now, you testified in the Grand Jury that was
15 investigating this, before the Grand Jury that was
16 investigating this matter; is that correct?
17 A I missed that.
18 Q I am sorry, Mr. Sherman cross-examined you from a
19 Grand Jury transcript. You appeared before the Grand Jury
20 here in Connecticut at some point?
21 A Yes.
22 Q When was that?
23 A I believe that was October of 1998.

24 Q That was before this incident that has you now
25 incarcerated ever occurred; is that correct?
26 A Oh, yes.
27 Q At the time that you appeared before the Grand
00050
01 Jury, were you in custody or incarcerated for anything?
02 A No, sir.
03 Q And, at the time that you first had any contact
04 with anybody, any investigator from the State of
05 Connecticut, were you then incarcerated?
06 A No, sir.
07 Q You described yesterday and in the
08 cross-examination today of being occasioned in the last
09 couple of years to make a telephone call to I think it was
10 MSNBC, to try to get ahold of a reporter for MSNBC. What
11 was it that occasioned you to make that telephone call?
12 A I saw a show on television.
13 Q And, that show you saw on television was about
14 this case?
15 A All about this case.
16 Q About how long ago was it that you saw that TV
17 show?
18 A Pardon me?
19 Q How long ago was it that you saw that TV show?
20 A It had to be August, 1998, possibly July.
21 Q Prior to that time, let's say, in the three or
22 four years prior to this particular show, had you seen any
23 other TV shows about this case?
24 A A Current Affair.
25 Q And, about how long ago was that?
26 A I --
27 Q Just approximately how many years ago?
00051
01 A It was a couple of years before this.
02 Q Would that be the first point at which you learned
03 that this investigation was being conducted in Connecticut?
04 A Yes, sir.
05 Q And, that was sometime before the mother of your
06 child had been murdered? That's ten years ago; is that
07 correct?
08 A It was after that.
09 Q Excuse me, it would be sometime before that? I
10 think I misspoke, some good number of years before -- let
11 me withdraw that. I don't want to confuse you.
12 The very first TV show you recall seeing about
13 this case was the one you just mentioned that was --
14 A A Current Affair.
15 Q A Current Affair. The murder of the mother of
16 your child was some number of years before you ever saw A
17 Current Affair?
18 A Yes, probably a good eight years.
19 Q And, at the time, eight years or so earlier, that
20 the mother of your child was murdered, were you at that
21 time aware of all the media hoopla about this
22 investigation?
23 A I didn't know there was any media hoopla.
24 Q You didn't know anything about this?

25 A I didn't know anything about it.
26 Q You didn't know if Connecticut gave a darn about
27 it; did you?

00052

01 A I didn't know anything about it, as far as from an
02 investigative point of view.

03 Q Right. Understood. Now, you testified here
04 yesterday afternoon and today primarily with regard to a
05 conversation that you were a party to on the stage, in the
06 dining hall, at Elan sometime back in 1978. That's 22
07 years ago. 22 years ago when you just arrived at Elan, you
08 were how old?

09 A 16.

10 Q What you have testified to here today is that, as
11 best as you can honestly recall?

12 A The best that I recall, yes, sir.

13 Q You mentioned yesterday that apparently this
14 conversation, it seemed to have struck you, Mr. Skakel
15 mentioned that he was related to Kennedy and he was going
16 to get away with this. Would it be fair to say that back
17 then, at age 16, that was what most impressed you about
18 that conversation?

19 A It was all that impressed me about that
20 conversation.

21 Q You have spoken to the fact that you have a
22 history of drug abuse that goes back some number of
23 years. During the period of time that you were in Elan,
24 did you have access to drugs?

25 A We didn't have access to anything, drugs or
26 otherwise. Cigarettes, we had plenty of cigarettes.

27 Q During the night that you had this conversation in
00053

01 the dining hall with Michael Skakel, were you using any
02 form of drugs?

03 A None.

04 Q On any of the other occasions while you were at
05 Elan that the subject was brought up, was anybody using
06 drugs?

07 A Not that I am aware of.

08 Q Were drugs available at Elan, to your knowledge?

09 A Not that I am aware of.

10 Q Counsel asked you some questions about paddling of
11 people and I think you got into the subject of one
12 individual named Kim Freehill who you may have participated
13 yourself in paddling. Do you recall that incident
14 specifically?

15 A Specifically, I remember that upon -- do you have
16 something to ask me?

17 Q I am sorry, go ahead.

18 A I don't know if you were finished.

19 Q Go ahead.

20 A Upon hearing her name this morning before I came
21 into this hearing, I had immediate recall about the
22 situation in question, although I differ on the air
23 lifting.

24 Q But as far as you may well have been one of the
25 persons who participated in paddling her?

26 A I was definitely a person who participated in the
27 paddling.

00054

01 Q Who directed that kind of an event at Elan? Who
02 decided to paddle somebody? Was that your decision?

03 A This incident in question was directed by Joseph
04 Ricci himself. Kim Freehill --

05 Q I don't think --

06 MR. SHERMAN: Excuse me, may he be allowed to
07 finish the answer?

08 MR. BENEDICT: No, my question is who directed it.
09 He answered it.

10 THE WITNESS: Joseph Ricci.

11 THE COURT: Joseph Ricci.

12 BY MR. BENEDICT:

13 Q Counsel asked you some questions too about these
14 boxing matches that were apparently intended to keep
15 somebody in the ring until he broke or agreed or something
16 like that. And, at whose direction were those kind of
17 procedures conducted?

18 A The majority of behavior that was dealt with at
19 Elan was primarily at the whim of any director or staff
20 member or Joe Ricci himself.

21 Q It had to be somebody who was responsible for the
22 operation of Elan to generate one of those events?

23 A Everybody in Elan was responsible for the
24 operation. It was run practically by the residents but I
25 would say it was the paid people, the people in the,
26 whatever, directors or staff or the higher ups, senior
27 coordinators. There was occasions when I was told to

00055

01 authorize it.

02 Q Counsel asked you if you recall Michael Skakel
03 ever being in the boxing ring and I think your response was
04 not that but everybody wound up in the boxing ring?

05 A I don't believe Michael Skakel ever being in the
06 boxing ring as the one --

07 Q As the subject?

08 A As the subject. I believe Michael Skakel because
09 of his size was in the ring as a resident. And let's not
10 forget that if you didn't do --

11 MR. SHERMAN: Objection, no speeches.

12 BY MR. BENEDICT:

13 Q Now, counsel asked you some questions to -- you
14 have testified here you recall two specific incidents where
15 you were present and words came from Michael Skakel's mouth
16 relating to the murder of this young woman. You testified
17 about the incident on the stage in the dining hall and then
18 subsequently there was a haircut that was administered to
19 Mr. Skakel. Do you recall being present at Elan on other
20 occasions when the subject of his involvement in a murder
21 was discussed?

22 A There were --

23 MR. SHERMAN: Objection. It's a yes or no, Your
24 Honor.

25 THE COURT: Yes.

26 THE WITNESS: Yes.

27 BY MR. BENEDICT:
00056

01 Q Do you recall being present on other occasions at
02 Elan when that subject was discussed and Michael Skakel,
03 excuse me, was present?

04 A Yes.

05 Q Counsel asked you as you are looking back now 22
06 years ago what you recall from the conversation that
07 occurred on the stage. And your response was you do recall
08 Mr. Skakel saying something about masturbating. And, do
09 you recall, as you sit here today, that you recall him
10 saying that he beat her in the head or beat her skull in?
11 Is that a recollection that you have today?

12 A He drove her skull in.

13 Q Drove her skull in?

14 A Yes.

15 Q And, as you sit here today, do you recall what he
16 said he did that with?

17 A It was --

18 MR. SHERMAN: Excuse me, that's a yes or no
19 answer.

20 THE WITNESS: Yes.

21 BY MR. BENEDICT:

22 Q And, your recall is that --

23 A My recall is that it was a driver.

24 Q That's how you recall it from 22 years ago?

25 A That's how I recall it.

26 Q And, as you sit here today, do you recall that he
27 described it happened in a wooded type of area?

00057

01 A In the woods.

02 MR. SHERMAN: Objection, leading question.

03 BY MR. BENEDICT:

04 Q Is that your independent recall?

05 A Yes.

06 MR. BENEDICT: The State has no further questions,
07 Your Honor.

08 THE COURT: Attorney Sherman.

09 MR. SHERMAN: Yes, Your Honor.

10 RECROSS EXAMINATION BY MR. SHERMAN:

11 Q Kim Freehill was not air lifted out. Is that
12 what the dispute is?

13 A I will tell you what. If someone was air lifted
14 out of Elan, I missed it. I must have been somewhere. I
15 do not recall her being air lifted.

16 Q How did they take her to the hospital?

17 A I believe she was transported by the Elan facility
18 van to the hospital in Lewiston or Auburn or Portland. I
19 am not definite about that, though.

20 Q That's okay. And, why was it necessary to take
21 her to the hospital?

22 A Well, I will tell you what. It was necessary to
23 take her to the hospital because they had paddled Kim
24 Freehill so violently --

25 Q Excuse me, Greg. They, including you?

26 A Including me.

27 Q No question about that?

00058

01 A So violently.
02 Q How, with your fists?
03 A Never.
04 Q Never with fists?
05 A Never.
06 Q Open hand?
07 A Open hand.
08 Q Okay.
09 A Open hand would have been justice in some cases.
10 We are talking about an oak or a wooden mallet which would
11 do tremendous damage.
12 Q How large a girl are we talking about here?
13 A We are talking about a very thin, from my
14 recollection, thin girl. Probably I recall her being
15 probably about five five, five six.
16 Q And, she was being paddled and beaten with an open
17 hand by others and you to the extent that she had to be
18 taken to the hospital; correct?
19 A To the extent that she went into shock, lost the
20 ability to retain her bowel movements. It got to the
21 point where she urinated on herself, defecated on
22 herself. They put her in the corner for my recall over
23 three months.
24 Q They or you?
25 A No, I had nothing to do with the corner. That
26 was females. The females took care of the corner.
27 Q You only participated in the beating?

00059

01 A Yes.
02 Q What was her crime? What were you guys trying to
03 make her confess to? What did she do wrong?
04 A I don't recall.
05 Q But, you beat this girl so badly that she lost
06 control of her bowel movements, her sensibilities and she
07 was basically unconscious and had to be taken to the
08 hospital and you don't remember why?
09 A No, sir.
10 Q But, you do remember that Michael Skakel confessed
11 to murder to you?
12 A Yes, sir.
13 Q No question about that?
14 A No question.
15 Q What was your mode of entry that nobody liked when
16 you went back to your house?
17 A I had previously been to my house approximately
18 ten days before this to find the house locked. I entered
19 through a basement window.
20 Q Did you break it?
21 A It wasn't open.
22 Q Is that in the yes column?
23 A Yes, that's in the yes column.
24 Q So, you broke the basement window and got in the
25 house?
26 A Yes, I did.
27 Q The locks had been changed to keep you out?

00060

01 A I didn't have a key, sir. The locks had not been
02 changed.

03 Q I am sorry. Why didn't she want you in the
04 house?

05 A Basically that wasn't the problem. The problem
06 was that as in my wife initially throwing me out of the
07 house, she had given me a chance three times prior to this
08 episode to reconcile myself at what point I was not ready
09 and started to exhibit the same type of behavior with my
10 drug use, my neglect and --

11 Q Violence?

12 A No violence.

13 Q Never violence?

14 A Never violent, never. Verbal abuse, verbal
15 aggression, never physical.

16 Q What is the difference between verbal abuse and
17 verbal aggression?

18 A Degradation, disrespect.

19 Q And, that's why she threw you out?

20 A She didn't throw me out. I left one night to
21 pursue some crack cocaine and was asked not to come back
22 upon calling her for a ride. She said she didn't want me
23 there, some other choice things. And I got to the point
24 where I was so cold and so hungry that I just made a
25 decision to enter my own house which I thought it was.

26 Q But, there was no Court order?

27 A No.

00061

01 Q So, how could it be -- did you own the house?

02 A It's in my wife's name.

03 Q But, you lived there; right?

04 A Yes.

05 Q Do you get your mail there?

06 A I don't remember getting any mail in the last
07 couple of years. Yeah, I would say so.

08 Q Driver's license, did you have a driver's license?

09 A No.

10 Q Any I.D.?

11 A Yeah.

12 Q And, does it show that address as your home?

13 A Yes.

14 Q So, why couldn't you just go in there? What was
15 against the law? I can understand her being angry but --

16 A In the eyes of the law, the deed is in my wife's
17 name. Therefore, my wife is in control of the premises
18 and she was ultimately in control of the decision made upon
19 my incarceration as to even my arrest. She said basically
20 that she didn't want me there and that she thought I needed
21 some severe help. And this is where I have gotten the
22 opportunity to get that help.

23 Q But, there was no Court order, you are saying?

24 A That's right.

25 Q And, yet you still wound up with a felony?

26 MR. BENEDICT: Objection. Mischaracterizing the
27 evidence, again.

00062

01 MR. SHERMAN: I don't think so, Your Honor. I

02 think it was --
03 MR. BENEDICT: It was a misdemeanor.
04 THE COURT: The testimony was that this charge for
05 which he is currently incarcerated was a misdemeanor.
06 MR. SHERMAN: True, Your Honor, but I believe he
07 testified it was initially a felony arrest. Maybe I am
08 wrong and that's the point of my --
09 MR. BENEDICT: Again, it's a mischaracterization
10 of the evidence.
11 MR. SHERMAN: If I am wrong, can the witness say
12 that. That's my impression, that it was a felony down
13 to a misdemeanor. And I think it is relevant, because I
14 didn't bring up this line. The State's Attorney did.
15 THE COURT: How is it relevant what the charge was
16 that he was originally arrested for?
17 MR. SHERMAN: It tests his credibility, Your
18 Honor, whether or not one is charged with a felony for
19 going into his own home or a home that his wife enjoys
20 possession of where there is no Court order. I kind of
21 have some problems believing that is the case and that's
22 why I am asking if it's a felony.
23 MR. BENEDICT: That's a novel theory of
24 cross-examination of a witness about an arrest and is
25 not recognized in the law in this state.
26 THE COURT: The objection is sustained.
27 BY MR. SHERMAN:

00063

01 Q So, there was no Court order but you still wound
02 up getting a year in jail?
03 A Yes.
04 Q Any other charges that caused you to get the year
05 or just that?
06 A Just that. I believe besides the criminal
07 trespassing I got a criminal mischief of breaking the
08 window.
09 Q For the window. And, part of that is a mandatory
10 year?
11 A It's not mandatory but I was -- they originally
12 wanted something other than what I got. It was a plea
13 bargain.
14 Q You had a lawyer?
15 A A public defender. It is a year ago.
16 MR. BENEDICT: Objection, it's irrelevant.
17 MR. SHERMAN: The question has been asked and
18 answered, Your Honor.
19 THE COURT: At this point.
20 BY MR. SHERMAN:
21 Q Now, you have indicated that you didn't want to be
22 known as a snitch; right?
23 A Correct.
24 Q Because snitches are in danger of being hurt?
25 A Correct.
26 Q Sammy the Bull Gravano ratted out John Gatti;
27 right?

00064

01 MR. BENEDICT: Objection.
02 THE COURT: Attorney Sherman.

03 MR. SHERMAN: Not claimed, Your Honor.

04 Withdrawn.

05 BY MR. SHERMAN:

06 Q Are you afraid of or were you afraid that somebody
07 was going to hurt you because of your giving information in
08 this case?

09 A I was concerned about coming to Greenwich,
10 Connecticut, that I would be in some danger, yes.

11 Q In Greenwich, Connecticut?

12 A I didn't know Greenwich, Connecticut.

13 Q You aren't planning on going to the beach; are
14 you? Sorry, withdrawn.

15 MR. BENEDICT: Objection.

16 MR. SHERMAN: Sorry.

17 THE COURT: Attorney Sherman.

18 MR. SHERMAN: Yes, Your Honor, I am sorry.

19 THE COURT: Ask questions that are relevant and
20 material, please.

21 BY MR. SHERMAN:

22 Q You really were in fear of your person coming to
23 Greenwich, Connecticut to testify in this case?

24 A There wasn't any definite promise where I would be
25 in the State of Connecticut. I could have ended up in a
26 State facility, a Federal facility, any facility. I
27 didn't know where I was going. Of course, it was a

00065

01 concern.

02 Q But, that concern would have been a lot easier to
03 deal with if they forked over the \$1,200.00?

04 A Of course not.

05 MR. BENEDICT: Objection.

06 MR. SHERMAN: Nothing further.

07 MR. BENEDICT: No questions.

08 THE COURT: Okay; at this point in time, we are
09 going to take a morning recess of approximately 15
10 minutes. Both counsel are ordered to read through Rule
11 3.6 of the Rules of Professional Conduct related to
12 trial publicity. And, I would suggest if it has been
13 awhile since you have read them, that you take your time
14 and read them very carefully and heed your ethical
15 obligations under those rules.

16 We will take the recess now.

17 (Whereupon, a brief recess was taken.)

18 * * * * *

00066

01 THE COURT: We are back on the record in the
02 matter of Michael Skakel and the same parties are
03 present as previously identified.

04 Mr. Benedict.

05 MR. BENEDICT: My next witness is coming back, not
06 Mr. Coleman. We are briefly recalling former Detective
07 Lunney.

08 THE COURT: Sir, you will remain under oath from
09 the prior swearing.

10 JIM LUNNEY,

11 having been previously duly sworn, testified further as
12 follows:

13 DIRECT EXAMINATION BY MR. BENEDICT:

14 Q Detective Lunney, you were asked a question I
15 think originally in cross-examination as to whether you
16 recall there being, the word was a garage, on the Skakel
17 property back in 1975. Do you recall your response was
18 you don't recall a garage specifically?

19 A No.

20 Q I am going to show you an item that was introduced
21 in evidence yesterday and is marked as 22 and ask you, it's
22 kind of dim, but -- well, withdrawn.

23 Do you have any idea when the photograph that is
24 marked as 22 was taken?

25 A I don't.

26 Q Can you tell from this photograph whether it was
27 taken in 1975, 1985, 1995?

00067

01 A No.

02 Q As you look at the very right edge of the
03 photograph, can you discern any structures depicted in the
04 vicinity of the driveway of the premises?

05 A It appears to be a roof.

06 Q I am going to show you another photograph at this
07 point and ask you to take a look at it. It has been
08 marked for identification as 24 and I ask you do you
09 recognize its contents?

10 A Yes, I do.

11 Q Is that a fair and accurate representation of a
12 portion of the Skakel premises as they were in October of
13 1975?

14 A Yes.

15 MR. BENEDICT: I would offer it in full.

16 MR. SHERMAN: No objection.

17 THE COURT: It may be marked as a full exhibit.

18 MR. BENEDICT: I am sorry, I am having difficulty
19 with the little hash marks across the numbers.

20 THE COURT: So, it is Exhibit 27.

21 THE CLERK: Yes, Your Honor.

22 THE COURT: Thank you.

23 BY MR. BENEDICT:

24 Q Since you testified earlier yesterday, there has
25 been some additional testimony regarding this incident
26 having occurred in a wooded area or woods or something in
27 that regard. I am going to show you two other photographs

00068

01 that are marked for identification that are, in order, 28
02 and 29, and I ask you to take a look at those two
03 photographs?

04 A Yes.

05 Q And, are they fair and accurate representations of
06 views that you had back at the time you were working in
07 this investigation in the autumn of 1975?

08 A Yes.

09 Q And, are they both photographs of views of the
10 Skakel home taken from generally the Moxley property?

11 A Correct.

12 MR. SHERMAN: No objection.

13 MR. BENEDICT: And the State has no further

14 questions of Detective Lunney.

15 CROSS EXAMINATION BY MR. SHERMAN:

16 Q Was there a garage there at the time of the
17 murder?

18 A No.

19 MR. SHERMAN: Nothing further.

20 THE COURT: Thank you. And, the last two were
21 full exhibits, State 28 which is a photograph of the
22 house from a distance with some trees, and 29, also the
23 same.

24 THE CLERK: Yes, Your Honor.

00069

01 MR. BENEDICT: The State calls Andrew Pugh to the
02 stand.

03 ANDREW PUGH,
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 Andrew Pugh. My
08 address is 47 Colonial Drive, Fairfield, Connecticut.

09 THE COURT: And, would you spell your last name,
10 please, sir.

11 THE WITNESS: P-U-G-H.

12 THE COURT: Thank you.

13 DIRECT EXAMINATION BY MR. BENEDICT:

14 Q Mr. Pugh, I want to take you back to the autumn,
15 the month of October of 1975, and ask you where you lived
16 at that time?

17 A I lived at 68 Otto Rock Drive in Greenwich.

18 Q And, in 1975 -- what year were you born in?

19 A I was born December 5, 1960. I would have been
20 14.

21 Q 14, just about getting ready to turn 15?

22 A Yeah.

23 Q At that time, had you had the opportunity to make
24 the acquaintance of a family that also lived on Otto Rock
25 Drive, the parent of which was Rushton Skakel? Did you
26 know the Skakel family?

27 A Yes.

00070

01 Q And, among the Skakels, members of the Skakel
02 family, did you know Michael Skakel?

03 A Yes, I did.

04 Q And, is he in the Courtroom at this time?

05 A Yes, he is.

06 Q Would you point to him so that Your Honor can know
07 who you are talking about?

08 A Right there.

09 THE COURT: Which gentleman?

10 MR. SHERMAN: Your Honor, we will stipulate that
11 he has pointed out Michael Skakel.

12 THE COURT: All right.

13 BY MR. BENEDICT:

14 Q And, he was in 1975 about how old?

15 A I believe his birthday is in mid September. He
16 was born in 1960 so he would have been just 15.

17 Q And, back then, where did you go to school?

18 A Greenwich Country Day School.
19 Q And, do you know where he went to school in the
20 fall of 1975?
21 A I believe he was going to Woodby but I am not
22 certain.
23 Q Where was your house situated in relation to the
24 Skakel home?
25 A Sort of not directly across the street but sort of
26 on a catty corner across the street. The edge of our
27 property sort of bordered the edge of his property and we
00071
01 looked right across at his house, across my driveway.
02 Q From the front steps of your house, could you see
03 the Skakel house?
04 A Oh, yeah. Yeah.
05 Q Were you friendly with any of the children in the
06 Skakel family?
07 A Yes.
08 Q And, were you friendly with any particular member
09 of the family more than the others?
10 A Yes, I was much friendlier with Michael than with
11 the others.
12 Q How many other kids were there in the family?
13 A There were seven kids, two younger than Michael
14 and the rest older.
15 Q Mr. Pugh, I am going to show you an item that has
16 been marked in evidence here as State's 27. I ask if you
17 recognize the scene that is shown in that photograph?
18 A Yeah.
19 Q Does that fairly represent a portion of the Skakel
20 property as it existed in the autumn of 1975?
21 A Yes.
22 Q I draw your attention to the dark outbuilding that
23 is on the right side of the photograph?
24 A Yes.
25 Q Was that present on the premises back in 1975?
26 A Yes, it was.
27 Q In the course of your relationship with the Skakel
00072
01 family, have you ever had occasion to be in that building?
02 A Yes, I did.
03 Q Do you recall what if anything was stored in that
04 building?
05 A It was mostly lawn maintenance equipment,
06 lawnmowers, blowers, you know, some sporting equipment,
07 stuff like that.
08 Q Do you recall ever having been in that particular
09 out building with Mr. Skakel?
10 A Yes.
11 Q Do you recall any incident where you were present
12 at that building with Michael Skakel that involved birds?
13 A Yes.
14 Q What if anything do you recall about that?
15 MR. SHERMAN: Objection, Your Honor, relevance.
16 MR. BENEDICT: Withdrawn.
17 BY MR. BENEDICT:
18 Q Now, taking you to the autumn of 1975, have you

19 had the opportunity to make the acquaintance of another
20 young person who lived in the neighborhood named Martha
21 Moxley?

22 A Yes.

23 Q And, where did she live?

24 A She lived on Walsh Lane which was behind, on the
25 other side of this house from where I lived.

26 Q I am showing you what has been marked in evidence
27 as State's 2. Do you recognize the residence depicted in
00073

01 that photograph?

02 A Yes.

03 Q What would that be?

04 A That was the Moxley residence.

05 Q As a friend of Michael Skakel's back in the autumn
06 of 1975, had you become aware as to whether or not he had
07 any particular feelings about this young neighbor, Martha
08 Moxley?

09 MR. SHERMAN: Objection, Your Honor, relevance.

10 MR. BENEDICT: Motive.

11 THE COURT: The objection is overruled.

12 THE WITNESS: Yes.

13 BY MR. BENEDICT:

14 Q And, what if any feelings did you understand Mr.
15 Skakel to have for Ms. Moxley?

16 A Well, I would have called it an attraction,
17 infatuation.

18 Q Did there come a time right around Halloween of
19 1975, just immediately before, that you came to learn that
20 Martha Moxley had been murdered on her property?

21 A Yes.

22 Q Don't state what was said but do you recall how
23 you learned that?

24 A Yes.

25 Q From the media, individual, a neighbor, what? How
26 is it you heard it?

27 A The way that I learned of it was I had come home
00074

01 from school and gone over to Michael's house after school
02 as I always did every day. And I noticed there was a lot
03 of -- it was different. Normally you would just go in the
04 front door and look around and there was --

05 MR. SHERMAN: Objection, Your Honor. It is a
06 non-responsive answer. The question is how did he
07 learn about the death.

08 BY MR. BENEDICT:

09 Q Well, what happened when you went over to the
10 Skakel house? We will cut to the chase.

11 A I knocked on the door. Somebody I didn't
12 recognize came down, said --

13 MR. SHERMAN: Objection, hearsay, Your Honor.

14 BY MR. BENEDICT:

15 Q Is that how you learned that Ms. Moxley had been
16 murdered?

17 A Michael told me. He came down and subsequently
18 told me.

19 Q Prior to this point in time, in 1975, had you had

20 occasion to visit the Skakel home?
21 A Yes.
22 Q And, how frequently did you do so?
23 A Virtually every day.
24 Q And, did other kids in the neighborhood visit the
25 Skakel home?
26 A Yes.
27 Q Was there generally a parent around?
00075
01 A No.
02 Q There was apparently some household help; is that
03 correct?
04 A That is correct.
05 Q What if any type of supervision was conducted of
06 the home --
07 MR. SHERMAN: Objection, Your Honor, relevance.
08 BY MR. BENEDICT:
09 Q -- when you visited up to 1975?
10 MR. SHERMAN: Objection, relevance.
11 THE COURT: First of all, you wait until the
12 question is finished before you object. And your
13 objection is what?
14 MR. SHERMAN: Relevance, Your Honor.
15 MR. BENEDICT: I will tie it in through the next
16 question.
17 THE COURT: The objection is overruled.
18 THE WITNESS: Can you rephrase the question?
19 BY MR. BENEDICT:
20 Q Prior to the murder of Martha Moxley in 1975, what
21 if any form of supervision was conducted of the kids in the
22 family and from outside the family who visited the Skakel
23 home?
24 A Virtually none.
25 Q Did you notice any change after the death of
26 Martha Moxley?
27 A It seemed to be a more sort of tight environment,
00076
01 yeah.
02 Q What if anything came of your relationship with
03 Mr. Skakel following the death of Martha Moxley? Was there
04 any change?
05 A I would say that our relationship sort of became a
06 little bit more distant after that.
07 Q Now, referring to the Moxley property -- let me
08 withdraw this for a moment. You were 14, almost 15 here
09 in the autumn of 1975. How long prior to that had you
10 lived on Otto Rock Road?
11 A I would say about three years.
12 Q And, during those three years prior to the death
13 of Martha Moxley, you developed a friendship with Michael
14 Skakel; is that correct?
15 A Correct.
16 Q Did you ever have occasion as kids to play on the
17 Moxley property?
18 A I don't know if play would be the word I would use
19 but yes.
20 Q Had you ever had occasion to climb trees on the

21 Moxley property?
22 A Yes.
23 Q Do you recall, was there any particular tree that
24 you would occasionally climb on the Moxley property?
25 A Yes. The tree it was called.
26 Q Why was it called the tree?
27 A It was just a good tree to climb.

00077
01 Q Why was it good to climb?
02 A It was a pine tree. It had, you know, it is like
03 climbing a ladder.
04 Q Do you recall where that was located?
05 A Yes.
06 Q I am going to show you a photograph that was been
07 marked 4 and ask you if you recognize the scene in that
08 photograph?
09 A Yeah.
10 Q And, does that seen depict the tree?
11 A Yeah.
12 Q Would you show Her Honor which tree you are
13 talking about when you refer to the tree? Counsel may want
14 to see this as well.
15 THE COURT: That is exhibit number what, Mr.
16 Benedict?
17 THE WITNESS: That was Exhibit No. 4, I believe,
18 Your Honor.
19 THE COURT: Thank you.
20 BY MR. BENEDICT:
21 Q By the way, you testified you learned about Martha
22 Moxley's death when you went over to the Skakel home one
23 afternoon after school?
24 A Right.
25 Q Do you recall what you were doing the night
26 before?
27 A Yes.

00078
01 Q Do you recall whether or not you happened to be
02 over the Skakel home that night?
03 A I was on their property that evening, yes.
04 Q Were you in the house?
05 A No.
06 Q Do you recall being in the presence of Martha
07 Moxley at any time that night?
08 A Yes.
09 Q At what point were you in the presence of Martha
10 Moxley?
11 A There was a group of us in the back yard. It was
12 the night before Halloween and we were throwing toilet
13 paper around and shaving cream and I would say there was a
14 group of 10 or 12 of us.
15 Q As you recall today, what was the time period,
16 from what hour to what hour, if you could estimate, when
17 you were with Martha Moxley?
18 A I would say it was fairly early. I would say
19 somewhere between six and eight.
20 Q Now, I am going to ask you some questions about
21 what occurred in the early 1990s but before I do that, up

22 to say 1991 or 1992, going back to the time of Martha
23 Moxley's death, what if any contact did you have with
24 Michael Skakel?

25 A Between the period of --

26 Q Well --

27 A Let's say, 1980 and 1990?

00079

01 Q Sure.

02 A None. None that I recall.

03 Q Did there come a point in the early 1990s where
04 you did have contact with Michael Skakel?

05 A Yes.

06 Q Do you recall at this point what year it was or
07 approximately what year it was?

08 A I would say early 1990s. No, I don't recall the
09 exact year.

10 Q And, what was the nature of your initial contact
11 with him? Was that face to face?

12 A Yes, face to face.

13 Q Where was it that you initially met?

14 A Christ Church in Greenwich.

15 Q What were you there for?

16 A I was there for an AA meeting.

17 Q And, what if anything transpired upon your meeting
18 Mr. Skakel on that occasion?

19 A We, you know, greeted each other and spoke for
20 awhile and, you know, discussed getting together and, you
21 know, possibly renewing our acquaintance again after
22 however number of years of having not seen much of each
23 other.

24 Q At the time of that meeting with Mr. Skakel, was
25 there any discussion about the death of Martha Moxley?

26 A There?

27 Q Yes.

00080

01 A No.

02 Q Subsequently, did you have occasion to have a
03 discussion with Mr. Skakel that related to the death of
04 Martha Moxley?

05 A Yes.

06 Q About how long afterward, after that initial
07 meeting at Christ Church would that have been?

08 A It would have been a month.

09 Q And, was this face to face or telephonic?

10 A Telephonic.

11 Q In the course of that contact, was there any
12 discussion of the death of Martha Moxley?

13 A Yes.

14 Q And, what, if anything, did Mr. Skakel say to you
15 in regards to the death of Martha Moxley?

16 A Do you want me to describe the conversation?

17 Q Yes, perhaps that's the best way. Describe the
18 conversation.

19 A It was in the context of us getting together and
20 sort of renewing our friendship. And, you know, I said
21 that it might be difficult for me because I had some, you
22 know, doubts about his involvement. And I asked him, you

23 know, if he had anything to do with it and he said no.
24 Q And, what if anything else was stated?
25 A He did tell me that he had been on their property
26 that same evening in that tree masturbating but that he had
27 nothing to do with her death.

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01 Q This was a conversation that occurred somewhere in
02 the early part of the last decade, the early part of the
03 1990s?

04 A Correct.

05 Q Did you have any further contacts with Mr. Skakel
06 following this particular telephonic conversation?

07 A Yes, I believe we did have some further telephonic
08 conversations.

09 Q And, what if anything do you recall transpiring in
10 the course --

11 A Nothing. We never ended up pursuing it or getting
12 together or -- that conversation kind of, shall I say,
13 addled me slightly.

14 Q After having that conversation in which Mr. Skakel
15 discussed masturbating in a tree, did you have occasion to
16 be contacted by any person identifying himself as
17 representing a firm named Sutton Associates?

18 A Yes.

19 Q And, again, that contact, was that face to face or
20 telephonic?

21 A No, on the phone.

22 Q About how long after your meeting back with Mr.
23 Skakel in the early 1990s did you receive telephonic
24 contact from Sutton Associates?

25 A It all transpired around the same time, I would
26 say within a month or so.

27 Q And, when you were contacted by someone from

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01 Sutton Associates, did they indicate what the purpose of
02 the contact was?

03 A Yes.

04 Q What if anything was that?

05 A That they were attempting to do an investigation
06 to finally answer all the questions that had been raised as
07 to the involvement of the Skakel family in the death of Ms.
08 Moxley.

09 Q Did they indicate to you who if anyone they
10 represented in the course of this endeavor?

11 A Yeah, they indicated that they were representing
12 the Skakel family.

13 Q And, how many times were you contacted by Sutton
14 Associates?

15 A I would say over 30 times, yeah. Virtually every
16 day for awhile.

17 Q And, what was your response to these contacts?

18 A I would have to think about it, you wanted to get
19 together, let me think about it, maybe later, turning to
20 eventually no thank you, I choose to decline the meeting.

21 Q In the course of these contacts with Sutton
22 Associates, do you recall having any further telephonic
23 contact with Mr. Skakel?

24 A Yes, Michael did talk to me on one occasion and
25 asked me if I would meet with them.
26 MR. BENEDICT: No further questions. Thank you,
27 sir.

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01 CROSS EXAMINATION BY MR. SHERMAN:

02 Q Why did you decline the offer? Why wouldn't you
03 meet with the --

04 A Why not?

05 Q Yes.

06 A Well, because I didn't feel given my bias towards
07 who I thought did this, that I should be helping defend
08 that party.

09 Q So, you went to the police instead?

10 A At that moment?

11 Q Yes.

12 A No.

13 Q At any time?

14 A Later on.

15 Q When?

16 A 1998.

17 Q And, you told them that Michael told you that he
18 masturbated in a tree?

19 A Correct.

20 Q And, you told them that he denied killing Martha?

21 A Correct.

22 Q And, you first learned of this in 1991?

23 A Approximately.

24 Q What took seven years?

25 A I don't understand the question.

26 Q Well, if you learned this information, that

27 Michael told you that he masturbated in that tree, in other
00084

01 words, put himself at the scene of the crime; correct? You
02 consider that a damaging admission?

03 A It's not for me to -- whether it is damaging or
04 not, I don't know. It is a piece of information, that's
05 all.

06 Q How important do you think that information is to
07 this case?

08 MR. BENEDICT: Objection, relevance.

09 THE COURT: How do you claim that question?

10 MR. SHERMAN: Credibility of the witness, Your

11 Honor. And, that's very much at issue. He is
12 indicating he doesn't think that this information was
13 too important. I would like to test his credibility in
14 that regard.

15 THE COURT: I will overrule the objection.

16 BY MR. SHERMAN:

17 Q You get to answer.

18 A Could you rephrase the question, please?

19 Q Yes, I guess so. How could you not think that
20 this information that Michael Skakel was apparently at the
21 scene of the murder, how could you think that that was not
22 important?

23 A It's a complicated question. It has got a
24 complicated answer. You know, at that time, there was

25 really nothing happening with the case. It had been a
26 long time. There was -- at that point, there was no
27 evidence that Michael had been involved.

00085

01 Q But, isn't that all the more reason to go there
02 and say hey, I got something for you folks. He was there,
03 he told me, he was at that tree? Wouldn't that be more
04 reason?

05 A Perhaps I should have done that. Perhaps it was
06 an error on my part.

07 Q Did he say it was that tree or did he say a tree?

08 A Excuse me?

09 Q Did he say it was that particular tree that he was
10 in or did he say it was a tree on the Moxley property?

11 A That tree.

12 Q Are you sure about that?

13 A It's my recollection.

14 Q You testified before the Grand Jury; right?

15 A Yes, I did.

16 Q And, do you remember the State's Attorney asking
17 you, now, when he said he was up in the tree, I mean, what
18 tree did you take that to be? Do you remember when they
19 asked you that?

20 A I do.

21 Q And, do you remember what your response was?

22 A Not exactly, no.

23 Q I am showing you page 52 of a transcript. See if
24 it refreshes your recollection as to what your response
25 is. When they said to you, now, when he said he was up in
26 the tree, I mean, what tree did you take that to be. What
27 was your response?

00086

01 A There was only one tree it could have been. That
02 was the tree where her body was found.

03 Q There was only one tree it could have been?

04 A In my opinion.

05 Q In your opinion. So, he didn't say that tree.
06 You took it to mean that tree?

07 A Yeah.

08 Q In fact, didn't you go on to say, quote, unquote,
09 we climbed a lot of trees. As kids we would climb to the
10 top of these sixty, eighty foot high pine trees. They
11 were like ladders on the inside and it was sort of thrill
12 seeking for us and that was one of our main trees. And,
13 we climbed it many many many times. I had no doubt in my
14 mind, none whatsoever when he said that tree that he meant
15 the tree where her body was found. Correct?

16 A Right.

17 Q But, that's what you felt he meant. That's not
18 what he said necessarily; correct?

19 A That is correct.

20 Q Weren't in fact there other trees on or near the
21 Moxley house?

22 A Yes.

23 Q But, would it be fair to say, and I don't want to
24 put words in your mouth, that you assumed it was the tree
25 that her body was found under?

26 A Yes.
27 Q But, he didn't say it?
00087
01 A Correct.
02 Q And, in fact, he always maintained to you that he
03 did not kill Martha Moxley?
04 A That's right.
05 Q And, when Mr. Benedict asked you how he felt about
06 Martha Moxley, he liked her; correct? Michael Skakel liked
07 Martha Moxley?
08 A Yeah.
09 Q And, you did too?
10 A Yeah.
11 Q Everyone in the neighborhood did; correct?
12 A Correct.
13 MR. SHERMAN: Nothing further, thank you.
14 THE COURT: Mr. Benedict.
15 REDIRECT EXAMINATION BY MR. BENEDICT:
16 Q Just a couple of questions, sir. The statement
17 made by Mr. Skakel about the activity in the tree, that was
18 made -- was that made in the context of discussing Martha
19 Moxley's murder?
20 A Yes.
21 Q And, when he said to you that he was up in the
22 tree that night masturbating, you took it to be one
23 particular tree on the Moxley property?
24 A Yes.
25 Q Was that the tree, the tree we discussed here that
26 is in that photograph, is that the tree -- is that the tree
27 on the Moxley property that you climbed?
00088
01 A Yes.
02 Q Earlier I asked you a couple of questions about
03 Mr. Skakel's relationship or feelings for Martha Moxley
04 prior to her death. Mr. Sherman just asked you if he
05 liked her. I think your earlier testimony was that Mr.
06 Skakel had an attraction and infatuation for Martha
07 Moxley. What do you mean by that?
08 A I mean that I felt that he was attracted to
09 Martha, you know, as a boy would be attracted to a pretty
10 girl that age, that he --
11 MR. SHERMAN: Objection. The question has been
12 asked and answered.
13 MR. BENEDICT: He is continuing to answer. I
14 claim it.
15 MR. SHERMAN: Excuse me, Your Honor. I believe
16 now it is becoming a dialogue, a narrative.
17 THE COURT: The objection is overruled. You may
18 finish your answer.
19 BY MR. BENEDICT:
20 Q That he, something?
21 A You know, that he had interests in Martha, you
22 know, as a girlfriend.
23 MR. BENEDICT: Thank you, I have no further
24 questions.
25 RECROSS EXAMINATION BY MR. SHERMAN:
26 Q You climbed other trees on the property?

27 A No.
00089
01 Q You never climbed other trees on the property?
02 A No.
03 Q Did he climb other trees on the property?
04 A I don't know that.
05 Q But, he never told you he climbed this tree.
06 That's what you assumed. Is that what you said?
07 A He said the tree and I assumed it to be that tree
08 because that was the only tree we climbed.
09 Q But, he never said that tree?
10 A He said the tree.
11 Q Didn't you also say that there were trees close to
12 the house?
13 A Right, but we never climbed them. The only other
14 trees we climbed were in other yards.
15 Q But, he never told you he climbed this tree. This
16 was your assumption based on the fact that you had climbed
17 other trees with him; correct?
18 A As I said, he said the tree which I assumed to be
19 that tree.
20 Q You assumed?
21 A Correct.
22 Q He didn't say it?
23 A Well, there was no way he could say it unless he
24 took me there and pointed to the tree.
25 Q Did he do that?
26 A No.
27 MR. SHERMAN: Thank you

00090
01 REDIRECT EXAMINATION BY MR. BENEDICT:
02 Q And, when he said that he had been up in the tree
03 masturbating, that was stated in the context of discussing
04 Martha's murder; is that correct?
05 A That is correct.
06 Q And, that was the only tree that you ever climbed
07 on the Moxley property?
08 A Yes.
09 RECROSS EXAMINATION BY MR. SHERMAN:
10 Q Excuse me, you said to the Grand Jury, there was
11 only one tree it could have been, that's the tree where the
12 body was found; correct?
13 A Yes.
14 Q And, that was the assumption you made; correct?
15 A Yeah.
16 Q And, didn't you say we climbed a lot of trees?
17 Correct?
18 A I did, yes.
19 Q And, weren't there trees closer to the Moxley
20 home?
21 A Were there trees that existed closer to their
22 house?
23 Q Yes.
24 A Yes.
25 MR. SHERMAN: Nothing further.
26 THE COURT: Anything further, Attorney Benedict?
27 MR. BENEDICT: I have no further questions of this

00091

01 witness, Your Honor.

02 THE COURT: Thank you. You may step down.

03 MR. BENEDICT: Thank you, sir.

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01 MR. BENEDICT: The State calls Judith Kallen to
02 the stand, please.

03 JUDITH KALLEN,
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, Ma'am.

07 THE WITNESS: Judith Kallen, 3885 Main Street,
08 Bridgeport.

09 THE COURT: You may inquire, Attorney Benedict.

10 DIRECT EXAMINATION BY MR. BENEDICT:

11 Q Ma'am, I am sorry to keep you waiting this
12 morning. Where are you employed?

13 A I am employed with the Department of Children and
14 Families.

15 Q And, is that part of the State government?

16 A It is, yes. It's Connecticut State Department of
17 Children and Families.

18 Q And, what is your particular position with DCF?

19 A I am a program director in the Bridgeport office.

20 Q And, in that capacity, do you or your office deal
21 with referrals from Juvenile Court?

22 A Yes, we do.

23 Q I would like to ask you today, currently, whether
24 or not -- well, withdrawn. How does DCF get involved in
25 Juvenile Court referrals?

26 A Well, basically, we work on a referral system.
27 Reports come into our department that we investigate and

00093

01 depending upon the nature of the case, we in fact file
02 petitions for Juvenile Court or for our Juvenile Justice
03 part of our system. A child may be arrested and then that
04 case is handled through the delinquency matters at Juvenile
05 Court.

06 Q Currently, in terms of a referral to your
07 particular organization, do you have any provisions that
08 allow for care, treatment, rehabilitation, education,
09 custody of persons who have reached their majority?

10 A Our regulations basically end at age 18.

11 Q What happens to a Juvenile Court referral if he is
12 over the age of 18?

13 A They reach an age of majority. Under certain
14 circumstances, of a voluntary nature, we may maintain them
15 through our system for educational purposes.

16 Q And, DCF is not a jail. You don't run juvenile
17 detention facilities or juvenile, any kind of jail system
18 for juveniles; is that fair to say?

19 A DCF does run Long Lane School.

20 Q Again, what authority does -- what is Long Lane
21 School?

22 A It's our I guess you would call it a jail,
23 detention center for juveniles.

24 Q Is that the Connecticut facility for incarcerating

25 serious juvenile delinquents?

26 A Yes.

27 Q And, what authority does Long Lane School have in
00094

01 terms of the incarceration of persons who have reached
02 their majority?

03 A They must be discharged at age 18.

04 Q Within the Connecticut juvenile system, is there
05 any facility or program that provides for either treatment
06 on a non-custodial basis or on a custodial basis such as
07 jail for persons who have advanced beyond the age of 18?

08 A No. Our licensing regulations prohibit placement
09 of anybody over age 18.

10 Q Does the Juvenile Court system have any ability to
11 deal with a former child who had at the time of sentencing
12 or disposition reached the age of 18?

13 A Not to my knowledge.

14 MR. BENEDICT: I have no further questions.

15 CROSS EXAMINATION BY MR. SHERMAN:

16 Q Why would it be necessary in your opinion to
17 confine a child if they have committed a serious crime
18 after, let's say, 15 years?

19 A I am sorry?

20 Q The statute provides that if the child commits a
21 crime, they may be confined up until what age?

22 A Age 18.

23 Q And, at that point, they must be released?

24 A Yes.

25 Q And, the statute wherein cases are transferred
26 from the Juvenile Court to the adult Court mandates that --
27 well, pertains to whether or not a child is a danger to the
00095

01 community; correct?

02 A Yes.

03 Q You are familiar with Section 1768?

04 A My expertise is in child protective services, not
05 in juvenile justice, although both of the programs overlap.

06 Q If someone committed an offense when they are 15,
07 a serious offense, what would dictate as to whether or not
08 you would detain or keep them in Long Lane or any other
09 facility up until age 18? What considerations?

10 A I believe we would look at ability to
11 rehabilitate, education, danger to society.

12 Q And, what would you be looking for in terms of how
13 do you know that they can be rehabilitated? What do you
14 use to evaluate that?

15 A A psychological evaluation, psychiatric
16 evaluation, social history.

17 Q What also would go to your determination as to
18 whether or not they are a danger to the community? Isn't
19 that one of the factors as to why you would keep them in
20 Long Lane?

21 A I believe those are decisions made in the Juvenile
22 Court.

23 Q Whether or not they should be kept in Long Lane,
24 you are looking at the rehabilitative abilities?

25 A I believe that's part of it.

26 Q And, are you looking as to whether or not they are
27 likely to commit further crimes?

00096

01 A I couldn't speak to that.

02 Q How do you evaluate someone as to their
03 suitability for rehabilitation? Is that your function or
04 your department's function?

05 A Our department usually uses other services,
06 psychiatrist, psychological testing facilities, and so on
07 to make those kinds of determinations.

08 Q And, what are they trying to determine? What is
09 the bottom line? Where are they going? What are they
10 trying to determine?

11 A Probably a great many things but among them
12 whether that child can be rehabilitated and can benefit
13 from the services that are going to be provided for them.

14 Q And, if the child can be rehabilitated and can
15 benefit from the services, the proof of that would be that
16 in fact they are not going to get in any further
17 difficulties; correct? Isn't that what it is all about?

18 A I assume so.

19 Q If a child committed an offense when they are 15
20 and you began the process as to evaluating them for
21 suitability of rehabilitation and you had a crystal ball to
22 look into the future and find out that in fact you can be
23 assured that this person is not going to offend or cause a
24 problem for the next four years and in fact the next 20
25 years, would that be of some benefit in your --

26 MR. BENEDICT: Objection, that's speculative.

27 MR. SHERMAN: No, it's actually a hypothetical

00097

01 question based on facts that are in evidence.

02 MR. BENEDICT: Objection, we don't deal with
03 crystal balls.

04 MR. SHERMAN: If I may be heard, Your Honor. In
05 this case, we actually have that ability. We are
06 asking someone to make a determination as to his
07 suitability for rehabilitation and the level of danger
08 he may pose to the community from age 15. And, we have
09 the benefit of, you know, 24 years having looked into
10 the future. It has gone by. So, I am asking her
11 whether or not that would be of some benefit. And it
12 sounds silly but it is a hypothetical question as absurd
13 as it may sound but it is based on facts in evidence.

14 THE COURT: And, you are claiming this is relevant
15 to what section of 17-60 A? Which of the considerations
16 are you claiming that this is relevant to?

17 MR. SHERMAN: Certainly the safety of the
18 community requires that the child continue under
19 restraint for a period extending beyond his majority.
20 That's one.

21 THE COURT: Okay.

22 MR. SHERMAN: Secondly, I think it goes to number
23 two, that there is no state institution designed for the
24 care and treatment of children to which said Court may
25 evince such child which is suitable for his treatment.
26 I believe that no treatment is necessary and that would

27 be a determination by this individual, by her department
00098

01 if she knew or had the benefit of the 25 years of
02 foresight.

03 THE COURT: I think I first need to know whether
04 it is this witness's testimony that it is the Department
05 of Children and Families that would determine that or
06 whether under the delinquency statutes that existed at
07 that time as well as through today, whether it is the
08 Court that determines --

09 MR. SHERMAN: I believe she is being asked to give
10 her opinion here, Your Honor. And, I am asking
11 likewise for her opinion, as if she had the benefit of
12 knowing that a child was certainly amenable to
13 rehabilitation because they had been rehabilitated.
14 There has been no further or any criminal conduct,
15 period, as to whether or not a child would need to be in
16 custody beyond their majority when you have had 18 years
17 pass of the majority of exemplary conduct. I am
18 looking for her opinion as to whether or not this
19 section would be applicable.

20 THE COURT: I will overrule the objection. You
21 can answer the question, if you can.

22 THE WITNESS: I believe that I do not have that
23 kind of experience. My expertise is in dealing with
24 children and youth, evaluating them, assessing them as
25 they are progressing through our system. I never had
26 to look back on somebody's behavior over a 24 year
27 period to have to make that kind of determination.

00099

01 BY MR. SHERMAN:

02 Q Because you are dealing with the kids when it
03 happens?

04 A That's right.

05 Q This is a case of first impression for all of
06 us. We are all dealing with something --

07 THE COURT: Is that a question?

08 MR. SHERMAN: It is a question.

09 BY MR. SHERMAN:

10 Q We are dealing with something that none of us have
11 dealt with before, including yourself?

12 A Correct.

13 MR. SHERMAN: Nothing further

14 REDIRECT EXAMINATION BY MR. BENEDICT:

15 Q Just a couple of questions, when you are
16 evaluating a child who is treated as a delinquent but has
17 engaged in criminal activity, you consider the seriousness
18 of the criminal activity?

19 A Yes.

20 Q And, again, you consider the psychological -- you
21 do consider the psychological profile of the child?

22 A Yes.

23 Q You consult psychiatrists or social workers or
24 anybody else that can give you pertinent information about
25 what should be done with the child?

26 A Yes.

27 Q And, the information that you use is that

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01 information that is available at the time of the offense?

02 A Right.

03 MR. BENEDICT: I have no further questions.

04 RECROSS EXAMINATION BY MR. SHERMAN:

05 Q But, when you are dealing with the issue of the
06 seriousness of the offense, it is with a view towards
07 protecting the community, number one, and also in assuring
08 that the child is going to be safe? Fair statement?

09 A That's part of it, yes.

10 Q And, wouldn't it be great to have the vision of 25
11 years in the future to see what the track record of that
12 child is to make that determination?

13 A I don't believe that is the reality of my
14 department.

15 Q Certainly not up until now?

16 A Right.

17 MR. SHERMAN: Nothing further.

18 MR. BENEDICT: No questions.

19 THE COURT: Thank you. Ms. Kallen, would you
20 please spell your last name?

21 THE WITNESS: K-A-L-L-E-N.

22 MR. BENEDICT: Ms. Kallen may be the State's last
23 witness. It is quarter of one anyway.

24 THE COURT: We will take the luncheon recess now,
25 then. And, we will need to be back here at two.

26 (Whereupon, the luncheon recess was taken.)

27 THE COURT: Before we begin, Attorney Murphy,

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01 would you step forward, please?

02 MS. MURPHY: Yes, Your Honor.

03 THE COURT: Some sort of a letter directed to me
04 was received today. Attorney Murphy brought it to my
05 attention. Could you please elaborate on that?

06 MS. MURPHY: Yes, Your Honor. A facsimile was
07 sent to the Criminal Court Clerk next door. It was
08 directed to you since Your Honor is the trier of fact.
09 I didn't give you a copy of it. I just gave you a
10 broad outline of what the document spoke about and Your
11 Honor felt it best that we share it with counsel. So,
12 I have copies for them.

13 I have no idea of the -- I have not checked
14 the veracity of any of this or anything like that. We
15 are not purporting that it is accurate, we are just
16 delivering it.

17 THE COURT: So, I will let counsel get their
18 copies of the letter. I will take a recess and then we
19 will take it from there.

20 (Whereupon, a brief recess was taken.)

21 THE COURT: We are back on the record in the
22 matter of Michael Skakel and the same parties and
23 Counsel are present as previously identified.

24 Attorney Benedict.

25 MR. BENEDICT: Yes, Your Honor. The State's
26 election at this point is to rest on the hearing.

27 THE COURT: And, Attorney Sherman, are you ready

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01 to provide an informal offer of proof or do you want
02 witnesses?

03 MR. SHERMAN: Yes, Your Honor. I am not
04 convinced that I really need to do that. Of course, I
05 will bow to Your Honor's deference. This is not a
06 conventional probable cause hearing which I think is
07 what the statute speaks to.

08 THE COURT: My understanding is, from reviewing
09 the case, prior to today, my understanding is that the
10 specific requirement that the procedures of the probable
11 cause statute did not come into play until some time
12 after 1990, however, under the case law that describes
13 what, if anything, was required of this type of a
14 hearing prior to that time, it is basically left to the
15 Court's discretion under Kent (ph) versus United States
16 and needs to be a fair hearing that complies with due
17 process. I think by way of format, it might be helpful
18 for you to do that.

19 MR. SHERMAN: I understand, Your Honor. That's
20 why I am not saying, no, I don't want to do that, I
21 refuse to. I intend to do that. Informally, I would
22 like to let the Court know that we would like to present
23 evidence ourselves. We will present several students
24 of the Elan program, some of which who were specifically
25 present and had been named by the two individuals who
26 testified already. And I believe their testimony will
27 be quite germane to the issues involved here.

00103

01 Specifically, Alice Dunn, just to be very
02 specific, who Mr. -- who was named as being the
03 facilitator or coordinator or whatever you call it, of
04 that primal scream session. She has agreed to come and
05 testify. She will be here Wednesday. I have other
06 students from Elan as well who were present and have
07 information about the knowledge that has been imparted
08 to us by both Mr. Higgins and Mr. Coleman.

09 I also intend to bring professional people
10 who can speak to the issues that are concerned in 17-60
11 A, whether or not the safety of the community requires
12 Mr. Skakel to be in any way confined. Also, to the
13 nature of any statements he may have made in the Elan
14 program, we have heard that Mr. Skakel at some point may
15 have said I don't know, maybe I did, do you think I did
16 it, I could have done it, I don't know. We heard that
17 progression described by somebody. We will bring in
18 physicians who have treated Mr. Skakel for problems that
19 he has had who can explain why, if he said it, why he
20 said it. And I think, again, that's quite pertinent as
21 well. These are not expert witnesses who are going to
22 be asked what did he mean by this, these are treating
23 physicians.

24 We are not talking about a lot of people.
25 We are talking about maybe four witnesses, perhaps
26 five. Also individuals who can speak to the
27 rehabilitative needs, if any, of Michael Skakel, people

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01 who have known him over the years.

02 The issues are totally described in 1760

03 A-1.

04 THE COURT: Attorney Benedict, do you wish to be
05 heard at all?

06 MR. BENEDICT: I don't know whether the Court at
07 this point is requiring an offer of proof as to
08 specifically what these people, these witnesses would
09 offer which is the process under the criminal procedure
10 statute relating to a hearing in probable cause. If
11 the Court is requiring that, I have not yet heard it.

12 And, additionally, the other point I would
13 like to make is we did give counsel full discovery of
14 the names of our witnesses sometime before. And since
15 he seems to know who those witnesses might be, whatever
16 the Court's ruling might be, whatever the Court's ruling
17 would be on an offer of proof, we would like to know
18 those names as well as Alice Dunn.

19 MR. SHERMAN: That will be done now, Your
20 Honor. We now know who we believe we shall call.

21 THE COURT: Can you be more specific, Mr. Sherman,
22 in terms of the names of the individuals and the nature
23 of their testimony?

24 MR. SHERMAN: With respect to the names, I would
25 like to give them to Mr. Benedict but not share them
26 with the immediate world because I just think that
27 preserves the integrity of this proceeding. And I will

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01 do that at the close of Court this afternoon.

02 With respect to what they are going to say,
03 as I have said, they will basically testify as to the
04 events that occurred, what confessions they heard and
05 the conversations they saw which have already been
06 described by Mr. Higgins and by Mr. Coleman. Some of
07 these people were there.

08 THE COURT: Are any of these people available
09 today?

10 MR. SHERMAN: No, Your Honor. After we had our
11 discussion last week, I made sure that they would be
12 available on Wednesday of next week. I had asked the
13 Court specifically if I would be required to bring them
14 today and the Court may recall we all agreed we would
15 not start our case to the following week. Most of them
16 are from out of state -- they are all from out of state.

17 THE COURT: And, are these other individuals
18 people who were present during the conversations that
19 were testified to?

20 MR. SHERMAN: Certainly one or more of them, Your
21 Honor, yes.

22 THE COURT: Attorney Benedict.

23 MR. BENEDICT: Your Honor, I don't know what they
24 are going to say so it is a little difficult to
25 respond. But, based upon the assumption that they are
26 going to say one of two things, that they were also
27 residents at Elan and they themselves had no

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01 recollection of any statements ever made by Mr. Skakel
02 about his involvement in a murder or on the other hand,

03 that they were present in the course of, for instance,
04 the haircut, what was it, at the dining hall, the
05 conversation that Mr. Coleman also testified about and
06 the dormitory steps conversation that Mr. Higgins
07 testified about. And, if they would have different
08 versions of those -- I don't know, but I would submit
09 that in either case, that what that would mean is that
10 would be appropriate evidence to place before the
11 finders of fact in an actual trial some day and
12 certainly it would be appropriate to be developed by the
13 defense and would be admissible.

14 But given the minimal burden the State needs
15 to satisfy here, one of simply reasonable cause, I do
16 not think that any of that information would cause the
17 Court to change what I, excuse me for being
18 presumptuous, expect its finding to be on the issue of
19 probable cause or reasonable cause on Mr. Skakel's
20 involvement in this matter. And, as a result, this
21 particular hearing would not be the appropriate vehicle
22 for this evidence to be received.

23 THE COURT: Since at the time of this case, the
24 Court was not required to strictly apply those sections
25 of the statute, the Court will allow the presentation of
26 the defense witnesses on Wednesday

27 Now, is there anything further for today?

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01 MR. SHERMAN: I would indicate, just housekeeping
02 wise, the fax that we got from Ms. Murphy that I have
03 examined, I have had some contact with this
04 individual. This is of no consequence. I have shared
05 my information with the State Attorney's Office and this
06 is -- this goes in the silly category of things that
07 happen in the nature of a high profile case. And we
08 have all discussed it and no attention needs to be
09 brought to it. Agreed?

10 MR. BENEDICT: Agreed.

11 THE COURT: Fine. Then, we will adjourn these
12 proceedings until Wednesday morning at 10:00 a.m.

13 MR. SHERMAN: Thank you, Your Honor.

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C E R T I F I C A T E

I, Susan Wandzilak, Registered Professional
Reporter and Notary Public in and for the State of
Connecticut do here by certify that the foregoing pages are
a true and accurate transcription of my stenographic notes
taken of these Court proceedings.

I further certify that I am not related nor in
any way interested in this case.

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SUSAN WANDZILAK