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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 28, 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 MICHAEL 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 could we begin with the  
03 identifications here, please.  
04 MR. GARR: Inspector Frank Garr.  
05 MR. COULOUTE: Matthew Couloute, Jr., Assistant  
06 State's Attorney.  
07 MR. BENEDICT: Jonathan Benedict, State's  
08 Attorney.  
09 MR. SHERMAN: Michael Sherman representing  
10 Michael Skakel.  
11 MR. THRONE: Jason Throne, attorney with Michael  
12 Sherman.  
13 THE COURT: Thank you. Attorney Sherman.  
14 MR. SHERMAN: Yes, Your Honor. I will call Alice  
15 Dunn.

16 ALICE DUNN,  
17 having been first duly sworn, testified as follows:

18 THE CLERK: Please have a seat and state your name  
19 and address for the record.  
20 THE WITNESS: My name is Alice Dunn. My address  
21 is 1 Carole Street, Portland, Maine.  
22 THE COURT: You may inquire.  
23 MR. SHERMAN: Before Ms. Dunn commences her  
24 testimony, I know she has testified before the Grand  
25 Jury and I asked the State's Attorney to provide me with  
26 a copy of her testimony. I am just making that request  
27 now before she testifies.

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01 MR. BENEDICT: I don't think there is any practice  
02 rule that entitles counsel to that at this point. She  
03 is not a State's witness. She is defense counsel's  
04 witness.

05 MR. SHERMAN: Spirit of fair play, interests of  
06 justice, Your Honor. She is a witness. She has  
07 testified before the Grand Jury as the State's witness  
08 and I don't see the reason to hide that and not to share  
09 that, Your Honor.

10 THE COURT: Is there any authority that you can  
11 cite for me, Attorney Sherman, as to why you would be  
12 entitled to that under this scenario since she is not  
13 the State's witness.

14 MR. SHERMAN: Just seems like the right thing to  
15 do.

16 THE COURT: At this point, the request is  
17 denied.

18 MR. SHERMAN: And also, as my brother points out,  
19 if it is exculpatory, I believe there is an ongoing duty  
20 to disclose that.

21 MR. BENEDICT: I certainly understand that.

22 THE COURT: I am sure you do, Attorney Benedict.

23 DIRECT EXAMINATION BY MR. SHERMAN:

24 Q Alice, where do you work?

25 A I have my own business. I have an architectural  
26 salvage company in Portland, Maine. We sell stuff,  
27 retail, wholesale and on line as well.

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01 Q How old are you?

02 A I will be 40 tomorrow.

03 Q And, how long have you been in this business?

04 A I have been in this business for about eight  
05 years.

06 Q And, where did you grow up?

07 A I grew up in Scarsdale.

08 Q Did there come a point in your life where you were  
09 sent to the Elan program?

10 A I was.

11 Q When was that?

12 A In about 1976.

13 Q And, when you got there, how long did you stay  
14 there?

15 A I was a resident at the facility for I want to say  
16 16 months but it could have been as long as 18.

17 Q When you got to the Elan program, did you have  
18 occasion to meet John Higgins?

19 A Yes.

20 Q Did you have an acquaintance with Greg Coleman?

21 A Yes.

22 Q And, did you know Michael Skakel?

23 A Yes.

24 Q Were you ever in a position to observe Michael  
25 Skakel interacting with either of those two fellows, Mr.  
26 Coleman or Mr. Higgins?

27 A It doesn't stand out to me that they were very

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01 close friends, either of those three people. I don't

02 remember any interactions between them at all.  
03 Q At the program, did you become a close friend of  
04 Michael Skakel?  
05 A I was a friend. I don't -- while he was in the  
06 facility, I would consider myself a friend.  
07 Q Did you become friends later on?  
08 A Yes.  
09 Q Did you become close friends?  
10 A Yes.  
11 Q Did you continue your friendship after you left or  
12 after he left the Elan program?  
13 A We continued our friendship while we were both on  
14 a staff level after we were both graduates of the program.  
15 Q Now, you are familiar with Gregory Coleman?  
16 A Yes.  
17 Q And, have you been made aware that he has  
18 testified in this case?  
19 A Yes.  
20 Q And, were you made aware of the fact that he  
21 testified about a primal scream therapy session?  
22 A I read something in a publication saying that  
23 there was a primal scream therapy group where Michael had  
24 made some sort of admission or was working on it.  
25 Q By the way, you and I have spoken about this case;  
26 correct?  
27 A Yes.

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01 Q And, we met basically when?  
02 A The only time I met you is this morning.  
03 Q We have spoken on the phone?  
04 A Yes.  
05 Q And, we discussed this case?  
06 A Yes.  
07 Q Have you ever discussed this case with the State's  
08 Attorney?  
09 A Yeah, I have spoken to Frank Garr and I was also  
10 called down to Connecticut last year to give my version of  
11 what happened there.  
12 Q You testified before the Grand Jury?  
13 A I believe it was.  
14 Q You were in Court, you were sworn and there was --  
15 A Yes.  
16 Q -- a judge on the bench?  
17 A Yes.  
18 Q And, you have spoken with Inspector Garr on a  
19 number of occasions?  
20 A I have.  
21 Q When was the last time you spoke to Inspector  
22 Garr?  
23 A I spoke to Inspector Garr on Saturday evening this  
24 past.  
25 Q Did you call him?  
26 A No.  
27 Q Did he call you?

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01 A Yes.  
02 Q Once or several times?

03 A He attempted to reach me on Friday afternoon, once  
04 on Saturday afternoon and then I was working and he finally  
05 reached me around dinner time on Saturday evening.

06 Q And, you have never refused to speak to the State  
07 attorney's office or their representatives?

08 A No, not at all.

09 Q Have you always been truthful with them?

10 A Absolutely.

11 Q Now, going back to that primal scream session,  
12 could you describe what that is?

13 A At Elan, there were different types of groups that  
14 were held. There were encounter groups and this other  
15 type of group which is called a primal scream therapy  
16 group. What it basically was was it would be a circle of  
17 residents and it was a group that was usually run by a  
18 staff person. And in that group, it was usually set in a  
19 very dark room so if there was light in a particular room,  
20 you would be asked to draw the curtains so that it was dark  
21 and there was more of a relaxed kind of setting there.  
22 And, in primal scream, what used to happen is you would  
23 talk to somebody about their, you know, their largest,  
24 their things that they, you know, feel might be the reason  
25 why they are there, that type of thing, you know, could be  
26 the death of a parent, could be, you know, being mean to a  
27 sibling. It could be a number of things.

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01 In that context, that forum, you would pick  
02 something that someone would focus on like, you know, I am  
03 scared. And what you would do is you would have them hold  
04 hands with the person next to you and in a very kind of  
05 methodical buildup, you would have them say I am scared, I  
06 am scared, I am scared. And you would have them build that  
07 up to a point where they would pretty much be screaming it  
08 or it would be a loud, you know, I am scared, I am scared,  
09 I am scared, but just a more high pitched version of that.

10 Q Now, Greg Coleman has told us that he in fact  
11 attended one of those sessions that you ran with Michael  
12 Skakel. You recall that; correct?

13 A I Do.

14 Q Do you remember what the focus of that session  
15 was? Was it the murder of Martha Moxley?

16 A Absolutely not.

17 Q Any question in your mind?

18 A 100 percent.

19 Q Was it Michael dealing with the death of his  
20 mother?

21 A Michael was in the group and I remember the shirt  
22 that he was wearing and I remember his hair and I remember  
23 where he was sitting in the room in relationship to the  
24 room. And I believe that what he was working on was the  
25 death of his mother and feeling guilty about a conversation  
26 that he had with her prior to her not being around anymore.

27 Q Did it have anything to do with the death of

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01 Martha Moxley?

02 A Absolutely not.

03 Q Would you remember that if it had?

04 A Absolutely, I would.  
05 Q Now, just to digress a tiny bit, was it common for  
06 people to talk about their alleged crimes at Elan?  
07 A Was it common -- people were usually sent there  
08 for a specific reason or a specific symptom, if you would.  
09 And, if things happened in the facility where people were  
10 boasting about something they got away with or doing  
11 something illegal, whether it was stealing a car or  
12 breaking into a house, you would kind of hear about it and  
13 it would become common knowledge.  
14 Q Was it common knowledge that Michael admitted that  
15 he killed Martha Moxley?  
16 A Absolutely not.  
17 Q Any question about that?  
18 A 100 percent, no question.  
19 Q Going back just a couple of seconds again to the  
20 primal scream therapy session, it was not about the death  
21 of Martha Moxley?  
22 A It was not.  
23 Q So, you would disagree with Greg Coleman?  
24 A Absolutely.  
25 Q How well did you know Greg Coleman?  
26 A You know, again, when I hear that Greg Coleman and  
27 other people are called to testify, the first thing that

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01 comes to me is a visual. I remember what Greg Coleman  
02 looked like and I remember his person, if you would, but  
03 there was nothing ever really outstanding about Greg  
04 Coleman that would make it stick out in my mind that he was  
05 any particular way. I remember him as being kind of a  
06 real big kid and kind of quiet, kind of, you know, pretty  
07 insignificant --

08 Q Not an evil person?

09 A Absolutely not an evil person, no.

10 Q Was it someone you would confide in?

11 A I wouldn't choose him as a person to confide in  
12 because I --

13 MR. BENEDICT: Objection, relevance, to who she  
14 would confide in.

15 THE COURT: How do you claim that?

16 MR. SHERMAN: I don't.

17 THE COURT: Could you confine your questions,  
18 please, to things that --

19 MR. SHERMAN: Sure.

20 BY MR. SHERMAN:

21 Q With respect to Greg Coleman, were you aware of  
22 any confessions that Michael Skakel ever made to him? Did  
23 he ever repeat this to you or anybody else?

24 A No.

25 Q Had something like that occurred, would you have  
26 heard about it?

27 A Absolutely.

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01 Q Why?

02 A Because you heard about anything, basically,  
03 because if somebody had told -- if Michael Skakel had told  
04 John Higgins or Greg Coleman that there was some sort of an

05 admission about this, it would be a way for them to be the  
06 focal point, be the center of attention. He would be  
07 called to the director's office. It would have been a big  
08 deal if that had happened during that time frame that they  
09 were there and that never happened. It just never  
10 happened.

11 Q Would it have been in Greg Coleman's interest to  
12 let everyone know that Michael Skakel had confessed to him?

13 A I would find it to be more in John Higgins'  
14 interest but I wouldn't think that Greg Coleman -- I see  
15 him as a really non-entity, if you would. I hate to be so  
16 vague about it but there was nothing in my mind that stuck  
17 out about Greg Coleman. I didn't see him as being  
18 manipulative or weaselly in any way.

19 But I saw John Higgins that way. My memory of  
20 Greg Coleman is kind of standing in a hallway and people  
21 passing him by and him not really having anything that  
22 would be that attractive to you to want to go be his  
23 friend, you know what I am saying.

24 Q Did you ever notice any close relationship between  
25 Michael Skakel and Greg Coleman?

26 A No.

27 Q Any question about that?

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01 A No. I don't remember any intense bond there, no.

02 Q Any bond at all?

03 A No.

04 Q Were you aware of Greg Coleman's reputation for  
05 truthfulness in that facility at the time?

06 A I guess, Mickey, to be honest with you, in  
07 retrospect, it was never an issue, his truthfulness. But I  
08 don't -- he was a gentle guy. I remember that about  
09 him. That's all I really kind of remember about him.

10 Q With respect to John Higgins, I am going to ask  
11 you the same question. Did you have an opinion or do you  
12 have an opinion now about John Higgins' reputation for  
13 truthfulness in Elan at that time? What was his  
14 reputation?

15 A He had a terrible reputation for truthfulness at  
16 that time.

17 Q Any question about that?

18 A No. He didn't have a very good reputation for  
19 truthfulness.

20 Q How much contact, if any, did you ever have with  
21 John Higgins?

22 A He was in the facility every day while I was a  
23 reentry staff member and a staff member. I was in the  
24 facility. I had daily contact with him. I saw him all  
25 the time.

26 Q Did you ever notice a relationship between he and  
27 Michael Skakel?

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01 A Minimal, at best.

02 Q Do you believe that John Higgins was someone that  
03 Michael Skakel would have confided in based on your  
04 knowledge of their relationship?

05 MR. BENEDICT: Same objection.

06 MR. SHERMAN: I will kind of claim that, Your  
07 Honor. Not kind of, I will claim that, Your Honor. It  
08 is an issue put out by the state and that's John Higgins  
09 testifying at his testimony that he was the kind of  
10 person that people open up to and that Michael Skakel in  
11 fact opened up to him. She has observed both of  
12 them. She observed their interaction and I think she  
13 is entitled to give an opinion.

14 THE COURT: Your question is what?

15 MR. SHERMAN: Is whether or not she observed --  
16 whether or not she has an opinion as to whether Michael  
17 Skakel and John Higgins had a relationship to the extent  
18 that Michael Skakel would confide in him which is the  
19 very issue that John Higgins has put forth.

20 THE COURT: Attorney Benedict, I am sorry, may I  
21 hear from you?

22 MR. BENEDICT: Objection, relevance, as to how she  
23 would know who confided in who. I don't think she has  
24 the ability to voice that testimony.

25 MR. SHERMAN: If she knows, Your Honor.

26 THE COURT: I will overrule the objection. If you  
27 can answer the question.

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01 BY MR. SHERMAN:

02 Q You can answer it. Do you remember the question?

03 A Whether or not John Higgins would be the type of  
04 person that would have the type of relationship where he  
05 would confide --

06 Q That's correct.

07 A I tend to say no. I do, however, think I am not  
08 God, I have no idea who is capable of what.

09 Q Was John Higgins the kind of guy that you would  
10 confide in?

11 A No.

12 Q Why not?

13 A Because he was manipulative, because he tended to  
14 kind of brown nose the staff. He would do anything for  
15 attention. He would get people in trouble intentionally  
16 when in fact they wouldn't do a lot of the things  
17 afterwards that we would find out that he would say that  
18 they would do. He had a tendency to try and act like  
19 something that he really wasn't. He had some major  
20 problems that, you know, were very telling by just being  
21 around him for a brief period of time.

22 Q If someone had told John Higgins that they  
23 committed a crime, in fact, a murder, would it have been in  
24 John Higgins' interest to tell Joe Ricci or somebody else?

25 A Yeah. If he went to Joe Ricci and told him that,  
26 he would have probably gotten promoted up the ladder or  
27 something. He would have been the person that cracked the

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01 case that people had been bantering Michael Skakel about  
02 forever while he was a resident there. The whole time I  
03 knew Michael Skakel there, he had said it over and over  
04 again that he wasn't responsible for what happened, you  
05 know. I even witnessed him being beaten into submission  
06 and only after that time did he say I don't know, I don't

07 know, I don't know, I don't remember. And I believe it was  
08 because of fear of being beaten up.

09 Q Tell us about that. Is this something that  
10 happened in the boxing ring?

11 A Yes.

12 Q What was the boxing ring? Why was it there and  
13 how was it implemented?

14 A The boxing ring was a tool that was used, if you  
15 can believe that, that was used to -- the pretense of it  
16 initially was to make sure that there was no bullying going  
17 on at the facility. So if someone was to steal your desert  
18 on the dinner line, they would be put into the boxing room  
19 to teach them a lesson that there are no bullies here and  
20 everybody is equal.

21 It was also used in very severe cases when someone  
22 was being confronted, if Joe Ricci or the staff person that  
23 was running the general meeting didn't like the answer and  
24 thought a little roughing up, if you would, would maybe get  
25 them to break. It was a place where breaking people's  
26 person was really pretty much the focus.

27 In the general meeting that I remember that

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01 Michael was confronted in, prior to this general meeting, I  
02 didn't know anything about Martha Moxley. I didn't know  
03 anything about a murder in Greenwich. I didn't know  
04 anything. I was up at Elan when it was all going on in  
05 the Westchester and Greenwich area.

06 So, the first time it came up and the first time  
07 anybody in the facility even knew about it was when Michael  
08 ran away, came back to the facility and was confronted in  
09 a, probably in a forum of about two hundred people. It  
10 was a large open room. Michael was brought into one end  
11 of the room and the residents sat back in the room. Joe  
12 Ricci, the executive director, came into the facility and  
13 started confronting Michael on why he ran away, why he was  
14 rich, why he was spoiled, why he was this, why he was  
15 that. And at that time, when Joe didn't feel like Michael  
16 was being honest, people would get up and go scream at him,  
17 sit back down.

18 And that was the time where he went into the  
19 boxing ring. And the reason I think the boxing ring is  
20 something that needs to be stressed is that the whole  
21 concept of the boxing ring is that even though it is trying  
22 to teach equality, it is not equal at all. You have  
23 somebody that is supposed to be guilty of something or is  
24 being confronted and then you have new people coming into  
25 the boxing ring every round. So you go a minute. Let's  
26 just say this. Here is Michael. Here is John. He goes  
27 a minute. Michael, you know -- Gary comes up, he goes a

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01 minute, you know, Joey will come up, he goes a minute.

02 Dick comes up so the whole time Michael is --

03 Q When you say they came up, what are they doing?

04 A They come up, put boxing gloves on, head gear and  
05 they go into the boxing ring and they fight.

06 Q They hit him?

07 A They hit him.



08 Q What are they trying to get him to do?  
09 A Break down.  
10 Q At that meeting they were obviously trying to get  
11 Michael Skakel to say something or admit something or say  
12 something or confess something or what?  
13 A Yeah, they were trying to get him to talk about  
14 what happened with Martha Moxley.  
15 Q Were they trying to get him to admit that he  
16 killed Martha Moxley?  
17 A Yes.  
18 Q Or he knew who killed Martha Moxley?  
19 A Yes.  
20 Q Had he said all along he didn't do it?  
21 A When he was confronted and it was brought to light  
22 that this was an issue at the general meeting, he denied  
23 vehemently over and over and over again, no, no, no, no.  
24 He goes into the boxing ring, he is crying, he is standing  
25 in front of all these people, he is going back into the  
26 boxing ring, he is crying, people are yelling at him, it  
27 was a tense situation.

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01 Q How many rounds?  
02 A At that point he changed.  
03 Q How many rounds?  
04 A I remember him going in at least five if not six  
05 or seven rounds.  
06 Q Were these five or six or seven different people  
07 beating him?  
08 A Correct.  
09 Q And, he finally broke down?  
10 A He broke down and started to cry as anyone would.  
11 Q What did he say? Did he say he did it?  
12 A Absolutely not. He never admitted it. The  
13 whole time I knew him, the whole time I was there, in front  
14 of that general meeting, in the primal scream therapy,  
15 Michael Skakel never admitted to doing this heinous crime  
16 to Martha Moxley or his family, absolutely, 100 percent,  
17 never did that.

18 Mickey, I wanted to say something.  
19 MR. BENEDICT: Objection.  
20 THE COURT: Just answer the question as posed to  
21 you.

22 BY MR. SHERMAN:

23 Q After the seven rounds or the five to seven  
24 rounds, whatever round it was, what did he finally say?  
25 A He just broke down and he cried and he said he  
26 didn't know what happened that night. He didn't know. He  
27 didn't know. He remembers bits and pieces of it. He

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01 remembers that there was some drinking going on. He  
02 remembers, you know, just it was all bits and pieces. It  
03 sounded to me like the guy might have blacked out. It  
04 sounded like he just said I don't know.

05 Q And, did that stop the meeting?  
06 A It did stop the meeting.  
07 Q Did it appear to you that Michael knew that that  
08 would stop the meeting?

09 MR. BENEDICT: Objection.  
10 MR. SHERMAN: I won't pursue it.  
11 BY MR. SHERMAN:  
12 Q So, finally, when he went from I didn't do it to I  
13 don't know, they stopped hitting him?  
14 A Correct. He didn't go in the boxing ring again  
15 after that.  
16 Q And, after that, did you have occasion to speak to  
17 him?  
18 A Yes.  
19 Q And, did he say I don't know or did he say I  
20 didn't do it?  
21 A One time I remember confronting him and he said  
22 nothing. And, that's it.  
23 Q But, he never admitted that he did this?  
24 A He never admitted that he did it.  
25 Q Do you believe he did it?  
26 A I believe that --  
27 MR. BENEDICT: Objection. That's hearsay.

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01 THE COURT: The objection is sustained.  
02 BY MR. SHERMAN:  
03 Q Did you continue a relationship with him  
04 afterwards, after Elan?  
05 A Yes.  
06 Q Did you have any problem doing that?  
07 A Did I have a problem with continuing a  
08 relationship with him?  
09 Q Yes.  
10 A No, not at all. I mean, I had so much of a not  
11 problem with him that, I am a bright person --  
12 MR. BENEDICT: Objection, relevance.  
13 MR. SHERMAN: She may explain her answer.  
14 THE WITNESS: I would like to answer that.  
15 THE COURT: The question is?  
16 MR. BENEDICT: I would like to object to it.  
17 THE COURT: The question is did she continue a  
18 relationship with him after Elan and she had no problem  
19 doing that. Right now, I don't think there is a  
20 question pending.  
21 MR. SHERMAN: I am sorry, Your Honor?  
22 THE COURT: I don't know that there is a question  
23 pending.  
24 BY MR. SHERMAN:  
25 Q Did you continue a relationship with Michael  
26 Skakel afterwards?  
27 A Yes.

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01 Q And, was that a problem for you?  
02 A It was not a problem for me and if I thought for  
03 one minute that he had done the crime, I would never have  
04 been out with him socially.  
05 MR. BENEDICT: Objection, speculative, relevance.  
06 THE WITNESS: Absolutely not.  
07 BY MR. SHERMAN:  
08 Q The question I have is, your opinion of his guilt  
09 or innocence, that didn't change after the boxing ring; did

10 it?  
11 MR. BENEDICT: Objection, relevance.  
12 THE COURT: Objection is sustained.  
13 MR. SHERMAN: I think it's a different question.  
14 THE COURT: I understand that. The objection to  
15 that question is sustained.  
16 BY MR. SHERMAN:  
17 Q You appeared on a TV show somewhat recently?  
18 A Yes.  
19 Q 48 Hours?  
20 A Yes.  
21 Q The producer called you about 100 times and you  
22 went on the show; right?  
23 A Yes.  
24 Q Why did you do the show?  
25 MR. BENEDICT: Objection, relevance.  
26 THE COURT: How do you claim it? Do you claim  
27 it?  
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01 MR. SHERMAN: I don't claim it at this point,  
02 Your Honor. I will wait until counsel has his turn.  
03 BY MR. SHERMAN:  
04 Q Did you ever tell anyone that you believed Michael  
05 Skakel committed this crime?  
06 MR. BENEDICT: Objection.  
07 THE COURT: Did she ever tell anybody that she  
08 believes that Michael Skakel committed this crime --  
09 objection sustained.  
10 BY MR. SHERMAN:  
11 Q Did you ever tell anyone that you heard Michael  
12 Skakel confess to this crime?  
13 MR. BENEDICT: Objection, asked and answered.  
14 THE COURT: I understand it has been asked and  
15 answered but I will overrule this objection.  
16 BY MR. SHERMAN:  
17 Q Did you ever hear Michael Skakel tell anyone --  
18 did you ever tell anyone that you heard Michael Skakel  
19 confess to this crime?  
20 A No.  
21 Q No question about that.  
22 Did you know that Michael Skakel was quote,  
23 unquote, a Kennedy?  
24 A Did I know it -- I knew it after the general  
25 meeting.  
26 Q Did you ever hear Michael Skakel brag about this?  
27 A No.  
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01 Q Would you have heard? Were you in a position to  
02 hear?  
03 A Yeah. Um-uh.  
04 Q Did other people talk about it?  
05 A No. He was brought up at general meeting and,  
06 you know, just like Martha, I didn't know anything about  
07 his association to the Kennedys either. There was a  
08 little, you know --  
09 Q Was it something that Michael would brag about?  
10 A No.

11 Q Do you recall that or are you guessing?

12 A No, I know that Michael didn't rest on his  
13 association with the Kennedys at all.

14 Q Now, with regard to Greg Coleman, would it have  
15 ever been his responsibility to make a report if Michael  
16 Skakel confessed to him?

17 A Absolutely.

18 Q Why is that? What was his -- what was Greg's  
19 position that would cause that?

20 A My understanding was that Greg's position was a  
21 personal overseer. When somebody runs away, they are  
22 assigned a person who basically has to be with you for long  
23 periods of time to make sure that you don't run away  
24 again. And, if anything comes out of it, you know, there  
25 is a report that is done at the end of every shift --

26 MR. BENEDICT: I object to this line. Pursuant  
27 to another Judge's ruling which has gone through the

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01 appellate process in the State of Connecticut, the State  
02 has been deprived of access to any materials regarding  
03 the treatment of Mr. Skakel at Elan. Subsequently, the  
04 State has no way whatsoever to rebut this testimony or  
05 confront this testimony.

06 MR. SHERMAN: If I may be heard, Your Honor. I  
07 am not asking about any reports that she may have made  
08 or even been privy to. The question is totally  
09 directed to Greg Coleman's testimony and testing the  
10 credibility and the veracity of what he has already told  
11 this Court. And he has testified, the Court may recall,  
12 that he observed, listened to a confession. And my  
13 question is, is it her knowledge that Greg Coleman  
14 should have made a physical report about it, not what  
15 the report was, not sharing the report with us, just was  
16 it his responsibility to do that.

17 MR. BENEDICT: With that is relevance. Counsel's  
18 next question or point in argument would be how come the  
19 State hasn't produced Greg Coleman's report.

20 MR. SHERMAN: I am not going to ask him.

21 MR. BENEDICT: The State has been deprived of any  
22 opportunity to look for Greg Coleman's report or use  
23 Greg Coleman's report if it does exist.

24 MR. SHERMAN: I know what the answer is; I won't  
25 ask that. He testified he made no report so I am not  
26 going there. All I am asking is for this witness to  
27 enlighten us with respect to the veracity and

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01 credibility of the State's witness who said that he  
02 never made a report. And, I am asking this witness,  
03 was he supposed to. It's a yes or no, not what is in  
04 the report.

05 THE COURT: I will overrule the objection.

06 BY MR. SHERMAN:

07 Q You don't remember the question; do you?

08 A I do.

09 Q Good, thank you.

10 A You are required to make a report after an eight  
11 or a 12 hour shift of being a personal overseer for any

12 incident that comes up during that, whether it be a  
13 physical incident or an admission of any kind, blah, blah,  
14 blah.

15 Q So, it would have been Greg Coleman's  
16 responsibility to make a report had Michael made a  
17 confession?

18 A Yes, absolutely.

19 Q Now, is a confession to murder a significant  
20 enough event that it should find its way to a report?

21 A Yes.

22 Q It doesn't get anymore significant; does it?

23 A No, it does not.

24 Q Felony record?

25 A Drunk driving.

26 Q Three years ago?

27 A Three years ago.

00026

01 Q Any other felony record?

02 A No.

03 Q You are doing okay, you are not in any trouble,  
04 you are not in custody?

05 A No, I drink, all that stuff.

06 Q Kim Freehill, were you present when Kim Freehill  
07 was being paddled?

08 A I physically was not present when Kim Freehill was  
09 being paddled.

10 Q Did you ever see Greg Coleman strike her?

11 A I never saw Greg Coleman strike her.

12 Q You have heard about this but you were not there?

13 A I was transferred. I was working at a facility  
14 about 30 miles away from Poland Springs in Waterford, Maine  
15 so I wasn't in -- Kim Freehill was also my best friend  
16 growing up so I wasn't privy to her treatment, if you  
17 would. I was on staff already in another house.

18 MR. SHERMAN: Nothing further.

19 THE COURT: Attorney Benedict.

20 MR. BENEDICT: Thank you, Your Honor.

21 CROSS EXAMINATION BY MR. BENEDICT:

22 Q How are you doing. I know we have met  
23 previously?

24 A How are you?

25 Q At some point, you indicated that you were a  
26 resident at Elan from 1976 at some point for 16 to 18  
27 months?

00027

01 A Yes.

02 Q Does the 16 to 18 months include your entire  
03 association with Elan or is that just the point at which  
04 you were a resident and following which you were passed  
05 onto some higher level of staff?

06 A Right, the 16 to 18 months was when I was a paying  
07 resident. And then after that I was on staff and worked  
08 there for, you know, I want to say three years. It might  
09 be more like four.

10 Q At the time of the primal scream group that you  
11 monitored of which Mr. Skakel was the focus, were you a  
12 staff member or a resident at that point?

13 A I was a staff member.  
14 Q And, at the time you mentioned, I will get into it  
15 but you mentioned a two hundred person general meeting run  
16 by Joe Ricci. At that time, were you a staff member or a  
17 resident?

18 A I was on staff.

19 Q You were on staff. Okay, what was your position  
20 on staff?

21 A I believe I was a staff member at Elan three.

22 Q And, Elan three was a section --

23 THE COURT: Excuse me, counsel, I need to take a  
24 recess.

25 (Whereupon, a brief recess was taken.)

26 BY MR. BENEDICT:

27 Q Ms. Dunn, I was asking you approximately when was  
00028

01 it that you advanced to a staff level at Elan?

02 A After I was a resident so I would say at about 15  
03 months I went to a reentry staff position and then I  
04 graduated. And, again, you know, I didn't check or look  
05 back in records or anything like that. But, you know, a  
06 couple of months after you could go reentry staff to staff  
07 so within 18 months of going there.

08 Q So, probably, if you went there in 1976, somewhere  
09 about the end of 1977, 1978, you went to a staff level?

10 A Right. Yeah.

11 Q You just mentioned that you didn't bother to go  
12 and check records. Do you have records that you have of  
13 your stay at Elan?

14 A No, but I am sure I could ask my father for copies  
15 of the bills.

16 Q Your family bills?

17 A Yeah. That's the only record I would be able to  
18 have a reference to. I don't have any documentation left  
19 from those days.

20 Q When you left Elan, records of your stay there  
21 were in fact given to your family, if you know?

22 A No. No. Basically they sent home a progress  
23 report.

24 Q Okay.

25 A But, no real records.

26 Q At some point, you and Mr. Skakel were both at  
27 Elan in a staff capacity?

00029

01 A Yeah.

02 Q And, at least at that point, if not before, you  
03 developed some relationship with him, a friendship, would  
04 it be fair to say?

05 A Yeah.

06 Q Have you stayed in touch with him since?

07 A No. The first time I saw Michael was this  
08 morning since the day he left the State of Maine.

09 Q Now, at the time that he was at Elan in a resident  
10 capacity, he was in Elan three; is that correct?

11 A Yes.

12 Q Was Elan three coed or all male -- well, it  
13 obviously wasn't all female.

14 A Elan three was coed and the women slept upstairs  
15 in the actual lodge facility, if you would. And then  
16 there was a couple of, you know, there were like men's  
17 dormitories that you would have to go down like a little  
18 path down, you know what I mean. So they would have  
19 separate lodging facilities physically detached from the  
20 property.

21 Q When you say Elan is upstairs, that's upstairs in  
22 the main Elan building?

23 A Yes.

24 Q The women were there?

25 A Yes.

26 Q The first floor would be where the dining hall is,  
27 where the general meeting you described was held?

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01 A Yes.

02 Q And, the men were kept in -- I shouldn't say kept,  
03 the men slept in other buildings?

04 A Right.

05 Q Separate from the building in which the women  
06 slept?

07 A That's true.

08 Q The residents dined together, went to class  
09 together, did group therapy together?

10 A Yes.

11 Q Did women ever serve night owl duty?

12 A Women served women night owl duty.

13 Q And night owl duty was a function that was  
14 assigned on a rotating basis for residents to make sure  
15 that residents didn't leave the sleeping facility at night?

16 A Yeah.

17 Q Or God forbid leave the entire place at night?

18 A Exactly.

19 Q So that you must have served night owl duty  
20 yourself on some occasions while you were there?

21 A When I was a resident, yeah.

22 Q And, any time you did that, you served night owl  
23 duty watching whatever, when you were a resident, you were  
24 also in Elan three?

25 A I was, yeah.

26 Q So, you would have served night owl duty in the  
27 main Elan building making sure none of the women, I don't

00031

01 know, got in trouble, took off, anything like that?

02 A Right.

03 Q And, you never sat up with any male resident when  
04 you did night owl duty?

05 A No.

06 Q You certainly never sat up with Michael Skakel in  
07 the course of doing night owl duty?

08 A No.

09 Q Would you describe what you did in the course of  
10 night owl duty?

11 A Well, night owl duty basically, you know, you  
12 would read a book, you would listen to music or something  
13 and then every half an hour on the hour you were required  
14 to get up from the hallway area and go and do a physical

15 check to make sure that if there are 20 women that are  
16 supposed to be there, 20 women are physically there. It  
17 is called a head count and you come back and you check it  
18 off. Then what happens is there is a night man that goes  
19 between the night owl male and the night owl female,  
20 between both to make sure --

21 Q He makes sure that the night owls are --

22 A Were still there.

23 Q Were being good night owls; correct?

24 A Yes.

25 Q How many people in the women's facility would  
26 serve as night owls on a given night, more than one person?

27 A Just one. One woman and then as many as how many  
00032

01 houses there were to house the men.

02 Q So, there would be a separate male for each male  
03 house in Elan three?

04 A Yes.

05 Q Would you be assigned to be night owl for that  
06 particular facility.

07 A Yes.

08 Q And, the only person keeping track of them would  
09 be another resident who was, I forget what title you gave  
10 him?

11 A Night man.

12 Q The person who kept track of the night owls would  
13 be the night man and he was another resident?

14 A Yeah, a very trusted resident.

15 Q Now, you mentioned when Mr. Sherman asked you,  
16 initiated a question, it was the subject of a primal scream  
17 therapy session, that you were familiar from having read or  
18 seen a publication I guess recently about what Mr. Coleman  
19 had testified to; is that your testimony?

20 A I didn't see anything in association with my name  
21 in it. All I saw -- and it was in some type of a weekly  
22 or daily newspaper, I don't know which one.

23 Q What was it that you saw?

24 A I saw that Greg Coleman had mentioned that Michael  
25 had said that he admitted to the murder.

26 Q In a primal scream session?

27 A In a primal scream and had repetitively cried out  
00033

01 I am sorry. That's what I read.

02 Q That must have been very recently that you saw  
03 that?

04 A Yeah.

05 Q Just within -- it must have been within the last  
06 week?

07 A Yeah, since he testified.

08 Q What was the publication you saw?

09 A You know, I want to say the Portland Press Herald,  
10 the U.S.A. Today, you know.

11 Q You mean a newspaper?

12 A It was in a newspaper, yeah.

13 Q Are they covering this thing pretty closely up in  
14 Portland, the Portland local paper?

15 A They cover anything up there, you know, just



16 pretty --

17 Q Not much happening there?

18 A You have to watch Jeraldo at night to really get  
19 it.

20 Q Of course, since reading that and before coming  
21 here, you didn't just get beamed in here, Mr. Sherman  
22 requested that you come down here?

23 A Yeah.

24 Q And, you discussed what you read in the newspaper  
25 with Mr. Sherman prior, obviously prior to taking the stand  
26 here today?

27 A I just met with Mickey, like, you know, maybe --

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01 Q His name is Mr. Sherman. I know it's Juvenile  
02 Court but we are trying to act like adults here, okay.

03 A Okay, I met with Mr. Sherman this morning for  
04 probably 20 minutes. It was not just me. It was a group  
05 of us so we didn't have a chance to talk too much about  
06 individual concepts, if you would.

07 Q When you met as a group, do you recall anybody  
08 else that was there?

09 A Just myself and the other people that are coming  
10 today.

11 Q Well, who were they? Did you know who they were?

12 A Sarah Peterson and Angela Hawkins.

13 Q I am sorry, who?

14 A Sarah Peterson and Angela Hawkins.

15 Q Now, you recall having been present at a primal  
16 scream therapy session in which the subject was Michael  
17 Skakel and the death of his mother. And that's the only  
18 one you apparently particularly recall having been involved  
19 in where Michael Skakel was the individual who was the  
20 focus of the session; is that correct?

21 A That's true, yes.

22 Q How often were primal scream therapy sessions held  
23 at Elan?

24 A What is interesting was that encounter groups were  
25 every day. There were other kinds of groups but primal  
26 screams were only held once a month or once every six  
27 weeks.

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01 Q Once a month, once every six weeks?

02 A Yes.

03 Q And, how many did you ever sit in during your stay  
04 at Elan?

05 A When I was a resident, I was in at least eight or  
06 ten of them. And as a staff person, I didn't like running  
07 them so I tried to get out of running them, if I could.  
08 So, not very many as a staff person.

09 Q If Joe Ricci or one of your other supervisors at  
10 Elan would tell you, hey, we are going to do a primal  
11 scream therapy session for John Doe today regarding his  
12 involvement in dealing in drugs or something like that, you  
13 would try to get out of it because you didn't really like  
14 to do those?

15 A I felt it was a little bit hokey.

16 Q You avoided them whenever you could?

17 A Yeah.  
18 Q Now, in addition to primal scream therapy sessions  
19 -- I am having a hard time with that -- on a daily basis at  
20 Elan in the afternoon, various types of group sessions were  
21 conducted?  
22 A Yes.  
23 Q Everybody attended a group session. It was, I  
24 don't know, five days a week, six days a week, seven days a  
25 week?  
26 A You pretty much went five days and Saturday was a  
27 lighter day and Sunday was kind of a day off.

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01 Q But, at least Monday through Friday -- and, these,  
02 the group sessions, were held in the afternoon; is that  
03 correct?  
04 A Correct, after -- there was a meeting every day at  
05 1:00 o'clock after lunch and 2:00 o'clock everyone broke  
06 for groups, two to four.  
07 Q 1:00 o'clock meeting was sort of a general meeting  
08 for Elan three?  
09 A The 1:00 o'clock meeting was the communications  
10 department had to put on something, either bring in a  
11 speaker from the community or talk about, you know, I don't  
12 know -- they would pick any particular subject and they  
13 would have a little meeting about it for an hour. It was  
14 like an educational kind of thing.  
15 Q And after that, everybody would be sent to some  
16 sort of a group session for the balance of the day?  
17 A From two to four, yes.  
18 Q Would that be two one hour sessions or one two  
19 hour session?  
20 A One two hour session.  
21 Q One two hour session?  
22 A Yes.  
23 Q And, they were different types of sessions with  
24 different subjects five days a week, sometimes even on  
25 Saturdays?  
26 A Yes.  
27 Q Now, obviously, you did not attend every group

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01 session that Michael Skakel attended?  
02 A Absolutely not.  
03 Q How big were the group sessions?  
04 A The group sessions were like I would say anywhere  
05 from maybe 12 to 15 people per group. The primals were a  
06 little bit smaller because they had to be a little bit more  
07 intimate. So eight people were usually a maximum in the  
08 primal.  
09 Q These group sessions, whether they were primal or  
10 other types of group sessions, would they be within Elan  
11 three, would they be attended only by the residents of Elan  
12 three or would people be brought in from the other houses?  
13 A No, just the people from the facility that you  
14 were in.  
15 Q That's Elan three?  
16 A Correct.  
17 Q How big was Elan three during your stay there?

18 A I want to say that Elan three when I was a  
19 resident was, there were probably 50 people there, the  
20 population in that facility was right around 50 people.

21 Q So, for that two hour period in the afternoon when  
22 people were sent out to various group sessions, the  
23 population would get divided by three or perhaps four?

24 A Right. There would be a crew that would be  
25 working through the group sessions like the kitchen crew or  
26 somebody that is making dinner. So, really, you want to  
27 divide 40 people into three or four groups so there were,

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01 you know, three or four groups that went on every day.

02 Q So, obviously, there was no way you could have  
03 attended every single one because you can't be in four  
04 places at the same time?

05 A No.

06 Q Now, you have indicated that it was not common  
07 knowledge amongst the populas at Elan three that Michael  
08 Skakel had actually admitted ever murdering anybody. That  
09 was your testimony?

10 A Correct.

11 Q Would it be fair to say, however, though, that it  
12 was common knowledge, at some point it became common  
13 knowledge at Elan that he was in some way involved in the  
14 murder of a young woman in his neighborhood?

15 A I don't know whether anybody ever thought that  
16 Michael was involved. I think that there was an  
17 association regarding the family involvement.

18 Q You have testified that you knew nothing about  
19 this whatsoever until a group meeting was held at some  
20 point during your stay there?

21 A Yeah.

22 Q At the time the group meeting was held, were you a  
23 staff member or a resident?

24 A I was a staff member.

25 Q Now, you have just indicated that Elan three had a  
26 population of about 50, however, this general meeting had a  
27 population of approximately four times that?

00039

01 A Yeah.

02 Q So, persons were brought in from other Elan  
03 facilities that were on the main Poland Spring campus?

04 A Right. There were four.

05 Q This is the first time you knew anything about Mr.  
06 Skakel's Kennedy connection; is that correct?

07 A You have to understand when Michael came in as a  
08 resident, I was way up --

09 Q You have to answer my question --

10 A I am sorry.

11 Q -- yes or no. This general meeting, it is the  
12 first time you knew anything about Mr. Skakel's Kennedy  
13 connection or did you know about it before?

14 A No light was brought to it at that time.

15 Q Certainly nothing you gave any thought about prior  
16 to this?

17 A No. No. No, not at all.

18 Q And, I think you have testified already today that

19 the first time you knew anything about any association with  
20 any murder back home in Connecticut was, again, what you  
21 learned and heard at this particular meeting?

22 A Yes.

23 Q I think you also testified that this meeting  
24 followed Mr. Skakel's return to Elan from having escaped?

25 A Um-uh.

26 Q Were you aware when he did escape that he had  
27 escaped?

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01 A Yes.

02 Q Because he was in Elan three and you were in Elan  
03 three?

04 A Um-uh.

05 Q Do you recall how long he was absent,  
06 approximately, from Elan three?

07 A He was -- it was awhile. It was not like he ran  
08 away and they brought him back the next day. He was gone  
09 for a period of time. I want to say between one and three  
10 weeks. That's what my memory says. It is not factual.

11 Q When he was brought back to Elan, it is true,  
12 isn't it, that he wasn't placed back in the dormitory he  
13 had been kept in, but rather he was placed under guard on  
14 the stage in the Elan three main building?

15 A Yes, that's true.

16 Q And, that was a condition that ran on for three or  
17 so days prior to the summoning of the actual meeting; is  
18 that correct?

19 A Yes, that's true.

20 Q So, even when he came back -- did you have  
21 anything to do with the guarding of Mr. Skakel during that  
22 approximate three day period?

23 A I did not.

24 Q Do you recall, your own recall, who did, if  
25 anybody did?

26 A No. It is so standardized to guard people when  
27 they come back that there is not, you know, they just put a

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01 list together of people in a certain position in a house  
02 that are capable of overseeing. So there is nobody that is  
03 in charge of the schedule, you know, they relieve people  
04 time and again to watch if you are trusted.

05 Q So, it could have been anybody as long as they  
06 were trusted?

07 A Over a certain level, that is correct.

08 Q You mentioned not having a real extensive recall  
09 of Greg Coleman. He was more or less in your opinion a  
10 harmless --

11 A I know, I just -- there is nothing really about  
12 Greg Coleman that stands out to me other than the fact that  
13 he was a big guy and he was pretty gentle. I found him to  
14 be gentle.

15 Q And, you have no personal knowledge because you  
16 weren't present of that meeting Mr. Sherman mentioned where  
17 Kim Freehill was paddled. You indicated you didn't attend  
18 that; is that correct?

19 A Did not attend it.

20 Q So, you have no knowledge as to whether Mr.  
21 Coleman was involved in that or not?

22 A Couldn't tell you.

23 Q Would it surprise you to learn today that he was  
24 one of the people that paddled the heck out of Kim Freehill  
25 in that particular meeting?

26 A It wouldn't surprise me because on command,  
27 anybody could be picked out of an audience and told you do  
00042

01 that and you didn't say no, basically.

02 Q Let me get back to -- I am sorry, let me stay on  
03 the subject of Mr. Coleman for just a minute.

04 The people who would have been assigned to watch  
05 Mr. Skakel on the stage for about three days before he was  
06 placed as the focus of this general meeting, was there some  
07 sort of an enforcer category? I don't know if I am using  
08 the right phrase. A guard category, an enforcer category  
09 of residents at Elan?

10 A There was. Overseers is what I would like to  
11 call it in my memory and you are correct, there is a  
12 category. You got to a certain level in the dichotomy and  
13 you were able to be an overseer.

14 Q There was some phrase, a gorilla squad or goon  
15 squad or something like that, do you recall that being  
16 used?

17 A I didn't use it when I was a personal overseer or  
18 when I was a staff member. No, that's between the boys,  
19 if you would, you know what I mean. I don't know what they  
20 said about what they did, I don't know.

21 Q You obviously don't know?

22 A I don't know if they were called goon or not.

23 Q You have no idea what the boys were saying to one  
24 another all the time?

25 A No.

26 Q Boys are boys and they have their own --

27 A Exactly.  
00043

01 Q And, of course, they stay in a separate facility  
02 as well?

03 A Right.

04 Q Did you know whether or not Mr. Coleman was one of  
05 these gorillas or goons, if I can use the boys' term?

06 A He was a personal overseer because he reached a  
07 level in dichotomy but he wasn't used because he was a big  
08 guy. There were little guys too that would oversee just  
09 based on their trust level, if you would.

10 Q But, anyway, let me return to this. Mr. Skakel is  
11 returned to Elan after an absence. He is guarded on the  
12 stage in the dining hall; correct?

13 A Yes.

14 Q For about three days, could have been four -- do  
15 you specifically recall three days or it could have been  
16 four?

17 A He wasn't exclusively on the stage in the dining  
18 room. He was also kept in an office called the  
19 communications office which is outside of the dining room.  
20 And the standard practice is to put them in a corner, have

21 them sit an hour, stand an hour, sit an hour, stand an  
22 hour, sit an hour --

23 Q Under guard the whole time?

24 A Being watched by somebody, that is correct.

25 Q Eventually, though, after a few days, we get to  
26 this general meeting. That general meeting, do you recall  
27 that was run by Joseph Ricci, the director of Elan?

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01 A Yes, it was.

02 Q And, Mr. Skakel was the focus of that?

03 A That is correct.

04 Q Do you recall how Mr. Ricci announced to the two  
05 hundred or so gathered there what the subject of this  
06 particular general meeting was?

07 A Mr. Ricci came in and he had a manila folder in  
08 his hand with obviously some sort of a psychological  
09 profile. Most of the members that come into Elan have  
10 them so it is called your file and he brought the file  
11 in. And, he opened it up and he geared the general  
12 meeting up by revving the crowd up prior to Michael even  
13 being brought into the room by saying that the reason we  
14 are here today is because Michael Skakel ran away and the  
15 reason we are here today is Michael Skakel thinks he is  
16 better than other people. Michael Skakel is a rich  
17 spoiled brat, Michael Skakel is this, Michael Skakel is  
18 that. He mentioned the Kennedy connection. He also  
19 mentioned that there was a strong possibility that Michael  
20 was involved in a murder in Greenwich, Connecticut where a  
21 girl was bludgeoned with a golf club and that was pretty  
22 much it.

23 Q But, then the meeting went on from that point?

24 A Then they brought Michael in and the meeting  
25 continued.

26 Q And, who confronted him once he was brought into  
27 the room?

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01 A Joe.

02 Q Any other people or did he handle the whole scene  
03 itself?

04 A When Joe comes into a room, you don't interrupt  
05 him or anything, you let him do his thing because he  
06 doesn't show up very often.

07 Q That meeting lasted about how long?

08 A A couple of hours.

09 Q I was not clear, because you discussed with Mr.  
10 Sherman here the boxing ring incident. Was that something  
11 that immediately followed the general meeting or was it  
12 something that took place on some subsequent date?

13 A You know, it is a part of the general meeting.  
14 In other words, when Michael first came in and Joe  
15 confronted him, most of the people get up and they scream.  
16 And after the screaming subsides, you let the people sit  
17 down again. Joe at that point says you are going in the  
18 boxing ring, put the gloves on. So it is actually an  
19 intricate part of the actual general meeting.

20 Q At any rate, that certainly let the cat out of the  
21 bag amongst the two hundred residents at Elan, that there

22 is something going on here with the murder in Greenwich?

23 A Yes.

24 Q And, the age range of residents at Elan at that  
25 time was, what?

26 A It would be anywhere from maybe 14, 15 up to 30.

27 Q Primarily teenagers?

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01 A In that facility there were more -- there were a  
02 lot of older people too or maybe that was after Michael  
03 left. When I got there, it was all older people and I was  
04 one of the youngest people. But by the time Michael came  
05 in and I was almost ready to leave, it was more people from  
06 like the Chicago area, anywhere between like 14 and 18.

07 Q Just kind of from what you said, I am trying to  
08 get an understanding of timing. Correct me if I misheard  
09 you but I think you just said when Michael Skakel first  
10 came, you were getting ready to leave. Was that it?

11 A I was getting ready to leave the facility as a  
12 resident and go onto reentry staff, yeah.

13 Q That's what I was curious about. So that this  
14 general meeting didn't happen very quickly upon his arrival  
15 at Elan; is that correct?

16 A No, it didn't happen right off.

17 Q And, I think you have already indicated that you  
18 were at a staff level by the time of that general meeting?

19 A Yes.

20 Q Now, you testified that it was not general  
21 knowledge at Elan that Mr. Skakel had ever admitted  
22 murdering anybody and you also have testified that he never  
23 made any such admission to you. Do you recall testifying  
24 to the Grand Jury?

25 A Yes.

26 Q I don't have the date offhand but it was sometime  
27 last year?

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01 A About a year and a half ago.

02 Q Do you recall relating to the Grand Jury some  
03 private conversations you had with Mr. Skakel during your  
04 stay at Elan?

05 A Um-uh.

06 THE COURT: Is that a yes?

07 THE WITNESS: Yes, that's a yes.

08 BY MR. BENEDICT:

09 Q Do you recall relating to the Grand Jury about a  
10 private conversation you had with Mr. Skakel at some point  
11 when he was busy scrubbing the floor in the kitchen and you  
12 were a staff member?

13 A Do I remember exactly what that was?

14 Q Do you recall the incident, that you had a private  
15 conversation?

16 A Yeah, I had lots of conversations. Yes, but I  
17 remember an incident where he was scrubbing the floor, on  
18 his hands and knees. I think he was in the kitchen area,  
19 yes, I remember.

20 Q Do you recall such a situation or such a  
21 circumstance in which Mr. Skakel in fact did speak about  
22 the murder of the young lady in Greenwich?

23 A No.

24 Q And, do you offhand recall what it was that he  
25 told you on this occasion?

26 A It could have been anything he told me on any  
27 other occasion because it has all been the same. It has  
00048

01 been very linear. It has never really changed. So it had  
02 to have been the old conversation where there was a period  
03 of time where he denied it, he denied it, he denied it, he  
04 denied it. And then at one point he did say that he is so  
05 confused about everyone telling him that he did it and he  
06 doesn't know what happened. That was the extent of my  
07 conversation with him.

08 Q Do you recall on this particular occasion, the  
09 incident where he was scrubbing the floor in the kitchen,  
10 that he responded to you that I don't know if I did it, it  
11 was myself or it was my brother, it was one of us but I was  
12 in a blackout and I don't remember. Does that jog your  
13 memory as to what he said on that occasion?

14 A Yes. After Michael was -- do you want just a yes  
15 answer?

16 Q Is that what you recall him saying?

17 A I remember there being --

18 Q Yes or no, is that what you recall him saying?

19 MR. SHERMAN: Your Honor, not every question can  
20 be answered yes or no and I think she should be allowed  
21 to explain.

22 THE WITNESS: I remember the conversation.

23 BY MR. BENEDICT:

24 Q Do you recall that being the response?

25 A I don't recall it being that cut and dry.

26 Q Do you want to look at your transcript and refresh  
27 your recollection as to what you testified to? Just read  
00049

01 it to yourself. It is highlighted at the very bottom.

02 A Okay.

03 Q Does that refresh your recollection?

04 A Yeah.

05 Q Isn't it true that what you relate to the Grand  
06 Jury was that the response you got from him was I don't  
07 know if I did it, it was myself or it was my brother, it  
08 was one of us but I was in a blackout and I don't  
09 remember. Is that fair to say that was your testimony  
10 before the Grand Jury?

11 A It was part of my testimony, that is correct.

12 Q Now, do you recall also in the course of  
13 testifying before the Grand Jury relating to the Grand Jury  
14 another conversation, a private conversation, you had with  
15 Mr. Skakel where the two of you were in I think a bar  
16 together?

17 A Yeah, it was actually a restaurant.

18 Q A restaurant, I shouldn't have said that. But,  
19 it was down by Bates College which -- is that Lewiston?

20 A Auburn. Lewiston -- Bates is Auburn.

21 Q And, at that point, Mr. Skakel was no longer a  
22 resident, he was a staff member?

23 A Right.



24 Q And, you were a staff member. Were you still  
25 working at Elan?

26 A Yes.

27 Q And, I don't know whether you were or not, but he  
00050

01 had a couple of drinks on that occasion?

02 A Oh, I had plenty myself, I am sure.

03 Q Were you aware that one of the reasons he was  
04 placed in Elan was for having a drinking problem?

05 A Was I aware of it -- I was aware that it was a  
06 symptom of his problem, my problem and eighty percent of  
07 the people that went there's problem so yeah, I guess so.

08 Q You indicated earlier, I hate to jump around, but  
09 you indicated earlier that John Higgins was a person who  
10 had a series of problems that you noted in the course of  
11 your acquaintanceship with him at Elan. It's true,  
12 basically everyone in Elan had some kind of a problem.  
13 That's why they were there in the first place?

14 A Yes, right.

15 Q Let me get back to the subject of the conversation  
16 you had at this restaurant. Do you recall that one thing  
17 you spoke about in the course of this time you were at this  
18 particular restaurant was the murder of the young woman in  
19 Greenwich, Connecticut. And, as you sit there now, do you  
20 recall what you told the Grand Jury that Mr. Skakel said in  
21 the course of this particular conversation?

22 A I think that we had a couple of drinks. We were  
23 kind of loosened up and it was kind of just something that  
24 --

25 Q Again, yes or no?

26 A I don't feel like it could be answered yes or  
27 no. Repeat the question and I will just be brief.

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01 Q It's fairly simple, do you recall what he said?

02 A I do recall what he said, absolutely.

03 Q What was it that he said?

04 A What he said was he didn't answer when I asked him  
05 what happened and, you know --

06 Q Do you recall telling the Grand Jury that what Mr.  
07 Skakel told you was that as far as he was concerned, he  
08 might have done it.

09 A I absolutely said it, if you have it written down  
10 there.

11 MR. BENEDICT: May I have a moment, Your Honor?

12 THE COURT: Yes.

13 MR. BENEDICT: I have no further questions.

14 MR. SHERMAN: May I see his Grand Jury  
15 transcript?

16 MR. BENEDICT: Sure. (Handing.)

17 REDIRECT EXAMINATION BY MR. SHERMAN:

18 Q Did Michael Skakel tell you that he committed this  
19 crime?

20 A Never.

21 Q How do you explain him saying to you, as far as I  
22 am concerned, I might have done it? Why would he say  
23 that?

24 MR. BENEDICT: Objection, that's looking into his

25 head.  
26 MR. SHERMAN: She was there, Your Honor. It's  
27 her conversation. She has related it and it is an  
00052 admission of this crime.  
01 THE COURT: Your question is why did he say it?  
02 MR. SHERMAN: I am asking you if she knows, she  
03 is a therapist there, she is on staff, she can explain  
04 why he may have said that, if she knows.  
05 MR. BENEDICT: Objection.  
06 THE COURT: The objection is sustained.  
07 MR. SHERMAN: If I may just have a moment, Your  
08 Honor.  
09 THE COURT: Yes.  
10 BY MR. SHERMAN:  
11 Q You were not at every general meeting, by the way;  
12 were you?  
13 A Not at every general meeting, no.  
14 Q And you were not at every primal scream session?  
15 A No.  
16 Q If there had been a confession that he had  
17 committed this crime by Michael Skakel, would you have  
18 heard of it?  
19 MR. BENEDICT: Objection.  
20 THE COURT: Objection sustained.  
21 BY MR. SHERMAN:  
22 Q Had there been an admission by Michael Skakel at a  
23 meeting that you were not at, would you have had occasion  
24 to hear about that?  
25 MR. BENEDICT: Same objection.  
26 THE COURT: Sustained.  
27  
00053  
01 MR. SHERMAN: I am going to claim that, Your  
02 Honor. She has already testified that --  
03 THE COURT: Your objection is sustained.  
04 BY MR. SHERMAN:  
05 Q Did anyone else ever report to you that Michael  
06 Skakel confessed?  
07 A Never.  
08 MR. BENEDICT: Objection, hearsay. May it be  
09 stricken?  
10 THE COURT: I will allow that answer to stand.  
11 MR. SHERMAN: This might be the best time, Your  
12 Honor, we have three minutes -- I am just getting this  
13 for the first time -- for the morning recess.  
14 THE COURT: We will take a 15 minute morning  
15 recess.  
16 (Whereupon, a brief recess was taken.)  
17 THE COURT: We are back on the record in the  
18 matter of Michael Skakel. Same parties and counsel are  
19 present as previously identified.  
20 BY MR. SHERMAN:  
21 Q Alice, during the recess, I handed you the  
22 transcript to refresh your recollection?  
23 A Yes.  
24 Q Did you and I talk about this in any way or form?  
25 A No.

26 Q But, you did have a chance to look at the  
27 transcript?

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01 A Yes.

02 Q Now, were you present at any time when anyone  
03 tried to force Michael Skakel to admit that someone else  
04 committed this crime?

05 A No.

06 Q And, were you present when people tried to force  
07 Michael Skakel to admit that he committed the crime?

08 A Yes.

09 Q On many occasions or a few?

10 A Just that one particular general meeting is the  
11 only thing that really stands out as forceful.

12 Q And, at that general meeting, it culminated with  
13 him being in a boxing ring being pummelled by five to seven  
14 to nine different people?

15 A Yes.

16 Q And, at that point, he went from I didn't do it to  
17 I don't know in order to stop the beating?

18 A That's exactly what happened.

19 Q And, after that, did he stay throughout his stay  
20 at Elan with I don't know in order to stop the beating?

21 A Again, I don't know. Yes to the first part. I  
22 think that's a two-fold question. The first part is a  
23 definite yes. The I don't know, I don't know what his  
24 motivations were because I am not him so I have no idea.

25 Q But, after he went from I didn't do it to I don't  
26 know, the beatings stopped?

27 A Correct.

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01 Q And, did the interrogation stop?

02 A There was always some underlying interrogation in  
03 groups, one to ones, that type of thing but never in a  
04 forum where people were that exposed to it by someone like  
05 Joe.

06 Q But, he never said I did it?

07 A He never said I did it.

08 Q But, I showed you that transcript of when you  
09 spoke to the Grand Jury?

10 A Yeah.

11 Q You are not saying in that, before the Grand Jury,  
12 that he said I did it; are you?

13 A No, I was very clear, I have been clear all along.  
14 He never said that he did it.

15 Q Was he saying to you the same thing he said in the  
16 general meeting, I don't know, I don't know --

17 MR. BENEDICT: Objection, this entire line is  
18 leading. Ask a question.

19 THE COURT: I am sorry, the question now is what?

20 MR. SHERMAN: I will withdraw it. I will  
21 rephrase it, Your Honor.

22 BY MR. SHERMAN:

23 Q I am showing you the transcript of the Grand  
24 Jury. Do you remember whether or not you told the Grand  
25 Jury that he continually said that he didn't know, that he  
26 doesn't know?

27 A I continually told the Grand Jury that.

00056

01 Q And, did Michael Skakel tell you that, that I  
02 don't know, I don't remember?

03 A After the general meeting, that's all he ever  
04 said. Prior to the general meeting, it was adamantly,  
05 flatly, no, no, no.

06 Q Would it be fair to say that the net effect of  
07 that general meeting was to have Michael Skakel from then  
08 on say, I don't know, I don't remember, leave me alone?  
09 Is that a fair statement?

10 A If I was in his shoes -- I mean, I don't know how  
11 to answer the question. Could you rephrase that?

12 Q Would it be a fair statement to say that after the  
13 general meeting, after he was pummelled in the ring, after  
14 the two hour session with the two hundred students, from  
15 that moment on, Michael Skakel said, I don't know, I don't  
16 remember, period?

17 A That's true.

18 Q Would you have done the same thing?

19 MR. BENEDICT: Objection.

20 THE COURT: The objection is sustained.

21 BY MR. SHERMAN:

22 Q Were you surprised that he --

23 MR. BENEDICT: Objection.

24 MR. SHERMAN: If I may finish the question?

25 MR. BENEDICT: It's the relevance of surprise.

26 MR. SHERMAN: No, I think we have to hear the  
27 question, Your Honor.

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01 THE COURT: Ask the question.

02 BY MR. SHERMAN:

03 Q Were you surprised to see Michael Skakel go from I  
04 didn't do it to I don't remember?

05 A No.

06 MR. BENEDICT: Objection.

07 THE COURT: Objection is sustained.

08 BY MR. SKAKEL:

09 Q Had you ever been confronted with anything of this  
10 nature yourself in the general meeting?

11 A Not to this degree but things I have done wrong or  
12 things people have told me that I have done wrong.

13 Q Were you confronted by people?

14 A Yeah.

15 Q Did you change your answer to them?

16 MR. BENEDICT: Objection, relevance.

17 THE COURT: The objection is sustained.

18 BY MR. SHERMAN:

19 Q When you went with Michael to the bar, he didn't  
20 confess to you; did he?

21 A No, he never said that he did it at the bar.

22 Q Do you believe he did it?

23 A I don't believe Michael Skakel did it.

24 MR. BENEDICT: Objection.

25 THE COURT: The objection is sustained.

26 BY MR. SHERMAN:

27 Q When you told the Grand Jury, quote, but as far as

00058

01 he was concerned, he might have done it, what did you mean  
02 by that? And I am going to show you this in the context of  
03 the answer which is rather long. Take a few moments, page  
04 8 of the transcript. Read the answer and then I am going  
05 to ask you to explain that and how it reconciles with what  
06 you have told us.

07 THE WITNESS: Can I ask you something, Your  
08 Honor?

09 THE COURT: No, you can't.

10 THE WITNESS: Can I answer the question without  
11 being interrupted by either side because I feel like I  
12 have been answering this one question for a couple of  
13 years?

14 MR. SHERMAN: I am not going to interrupt.

15 THE COURT: First of all, what you need to do,  
16 after the question is asked, if there is an objection,  
17 don't answer until I rule on the objection, okay.

18 THE WITNESS: Yes.

19 This is one sentence of many sentences said  
20 that day. Did I say this, did I say it, did Michael  
21 say this, did he say it, it still is not saying I did  
22 it. I would not be there if I thought Michael Skakel  
23 did it. I would not be sitting with him if I thought  
24 that.

25 MR. BENEDICT: Objection, not responsive. Not  
26 relevant.

27 THE COURT: It will stand.

00059

01 BY MR. SHERMAN:

02 Q Did Michael ever wear a dunce cap?

03 A Yes, he wore a dunce cap.

04 Q How big of a dunce cap?

05 A It was quite large.

06 Q How large?

07 A It was probably -- it depends. You got a dunce  
08 cap for every week you failed school. If you failed  
09 school for more than two weeks, they made the dunce cap  
10 larger. Dunce caps were usually three feet high and if  
11 you failed two weeks in a row, they became six feet but so  
12 much so when you went through a door jam you would have to  
13 take the dunce cap and go like this in order to go from  
14 room to room to room.

15 Q Do you remember Michael wearing a dunce cap?

16 A Absolutely. He wore them a lot.

17 Q Did you know whether or not he was learning  
18 disabled, that he was dyslexic?

19 MR. BENEDICT: Objection.

20 THE COURT: The basis of your objection?

21 MR. BENEDICT: Hearsay, if nothing else. How  
22 would she know that.

23 MR. SHERMAN: How do you claim it, Attorney  
24 Sherman?

25 MR. SHERMAN: She was on staff, Your Honor. She  
26 may have known. She may have known through her  
27 training and experience in dealing with Michael Skakel.

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01 She was a superior.  
02 THE COURT: The objection is sustained.  
03 BY MR. SHERMAN:  
04 Q How big a dunce cap did Michael Skakel wear?  
05 A It was anywhere from between three and five feet.  
06 Q And, was it designed to humiliate him?  
07 A Yes.  
08 Q And, did it humiliate him?  
09 A Yes.  
10 Q When Michael was on the stage, somebody was  
11 guarding him. Do you remember that?  
12 A Yes.  
13 Q Who was guarding him?  
14 A Anywhere from four to six people at any three day  
15 period. But my understanding is that Greg Coleman was  
16 guarding him at one point and he had other personal  
17 overseers, not exclusively one.  
18 Q The incident where Michael was scrubbing the floor  
19 in the kitchen facility, were you on staff?  
20 A Yes.  
21 Q And, you have indicated that you have testified  
22 before the Grand Jury -- and, again, I am just going to  
23 give you this to refresh your recollection. Just take a  
24 look at it and I will ask you some questions.  
25 A Yeah, I remember that conversation.  
26 Q And, the incident itself, Michael is scrubbing the  
27 kitchen floor?

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01 A Correct.  
02 Q What is he using to scrub; do you remember?  
03 A He was using a, what was called then a GI pad  
04 which is basically a metal pad, a heavy duty metal  
05 scrubbing pad and scrub brush.  
06 Q Was he a happy camper at that point?  
07 A No.  
08 Q In fact, this was kind of a punishment deal?  
09 A He was upset.  
10 Q What was he upset about?  
11 A It was directly after the general meeting. It  
12 was the same day or the very next day.  
13 Q It was right after the general meeting?  
14 A Correct.  
15 Q And, when he was doing that, were you his  
16 superior?  
17 A Yes.  
18 Q And, you indicated to the Grand Jury that you  
19 thought that maybe you could crack him and make him admit  
20 to this?  
21 A Yes.  
22 Q And, you felt that that was your duty at this  
23 point?  
24 A Yes.  
25 Q And, you told that to the Grand Jury; correct?  
26 A I did.  
27 Q Do you recall telling the Grand Jury I thought I

00062

01 was the one that could crack him and make him admit to the

02 fact that had done all this stuff; right?  
03 A Yes.  
04 Q So, you asked him, did you do it?  
05 A Yes.  
06 Q And, do you remember what he said?  
07 A Um-uh.  
08 Q What did he say?  
09 A He was on his hands and knees and he said I don't  
10 know what to believe anymore. I don't know what happened.  
11 I don't know if I did it. I don't know. I don't know if  
12 my brother did it. I don't know. We were drinking. I  
13 don't remember anything about the night. There was  
14 nothing cut and dry about any kind of admission. I didn't  
15 walk away from there feeling like I had cracked him and  
16 that he had admitted anything to me.  
17 Q Did you make out a report to anybody saying he has  
18 confessed to you?  
19 A No.  
20 Q Because he hadn't?  
21 A Absolutely.  
22 Q And, he was basically trying to get you off his  
23 back like he tried to get the people at the general  
24 meeting?  
25 A Probably, yeah.  
26 MR. BENEDICT: Objection, leading.  
27 THE COURT: Asked and answered.

00063

01 BY MR. SHERMAN:  
02 Q Why do you think he said this to you?  
03 MR. BENEDICT: Objection.  
04 THE COURT: The objection is sustained.  
05 MR. SHERMAN: It's a different question, Your  
06 Honor. It's not a leading question. It is an open  
07 question as to why she believes he may have said this to  
08 her.  
09 THE COURT: The objection is sustained.  
10 BY MR. SHERMAN:  
11 Q Did he confess to you?  
12 A No.  
13 Q Ever?  
14 A Never.  
15 MR. SHERMAN: Nothing further.  
16 RE-CROSS EXAMINATION BY MR. BENEDICT:  
17 Q What is a personal overseer?  
18 A A personal overseer is someone that would be  
19 assigned to you. For example, this gentleman ran away and  
20 so he gets a personal overseer to watch him to make sure he  
21 doesn't run away again. He is with you, you know, all day  
22 long that you are awake. He is with you when you are  
23 scrubbing toilets. He is with you when you go to the  
24 bathroom. He is with you when you are taking a shower.  
25 You can't be out of their sight.  
26 Q And, Gregory Coleman was one of the personal  
27 overseers for Mr. Skakel during those three days when he

00064

01 was held on the stage or is that something you just heard?  
02 A It is something I heard. I cannot say that he

03 was definitely a personal overseer for Michael on the  
04 stage. I don't know.

05 Q But, if he was a personal overseer, that's what he  
06 would have been doing?

07 A Yes.

08 Q And, in any of those private conversations that  
09 you had with Mr. Skakel, either in the kitchen or in that  
10 restaurant, did he ever make mention of a golf club to you?

11 A The golf club was mentioned in the general  
12 meeting.

13 Q Okay; the private conversations, you indicated  
14 that the day after the general meeting or so is when he was  
15 scrubbing the floor in the kitchen?

16 A Yeah, when he was crying and he was confused and  
17 he was talking about all that stuff, he did say that the  
18 golf club had belonged to his family. He had that much  
19 information.

20 Q But, he never mentioned to you going and getting  
21 the golf club or having possession of the golf club that  
22 night?

23 A No.

24 Q And, he never made mention to you in any of your  
25 conversations, private conversations with him, being in a  
26 wooded area or looking up and seeing pine trees or anything  
27 like that?

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01 A There was one conversation. I can't tell you when  
02 it happened or when it was but I remember Michael using the  
03 word pine trees.

04 Q Did he ever by any chance make any mention in the  
05 course of any private conversation with you the subject of  
06 masturbation?

07 A Never.

08 MR. BENEDICT: I have no further questions.

09 THE COURT: Attorney Sherman.

10 REDIRECT EXAMINATION BY MR. SHERMAN:

11 Q Michael never told you that he took a golf club  
12 and did anything; correct?

13 A He never mentioned anything about the --

14 Q And, the golf club was initiated by Joe Ricci, is  
15 that correct, at the general meeting?

16 A Yes.

17 Q And, Joe Ricci made it common knowledge among the  
18 community at Elan?

19 MR. BENEDICT: Objection, leading question.

20 MR. SHERMAN: Withdrawn.

21 BY MR. SHERMAN:

22 Q How did you find out that a golf club was used in  
23 the context of this murder?

24 A Joe Ricci told us prior to Michael being brought  
25 into the room that day.

26 Q Not through Michael Skakel?

27 A Not through Michael.

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01 Q How long did he sleep on that stage; do you  
02 remember? Was it three weeks?

03 A It was a couple weeks.



04 Q And, he was guarded all the time?

05 A He was guarded all the time but he never had a  
06 record player.

07 Q You have heard that Mr. Coleman and Mr. Higgins,  
08 one of them said that he was given a record player?

09 A There was no record player in the facility.

10 Q Was he given any privileges there?

11 A You don't get record players, cigarettes. You  
12 don't get shoes. You don't get pants. You don't get those  
13 and it doesn't matter if he is the Pope's -- it doesn't  
14 matter who you are, you just don't get it. It doesn't  
15 matter who you are.

16 Q And, he had run away?

17 A Yeah.

18 Q Do you know how they got him back?

19 A They went and fetched him.

20 MR. BENEDICT: Objection, it is way beyond the  
21 scope.

22 MR. SHERMAN: Nothing further.

23 RECROSS EXAMINATION BY MR. BENEDICT:

24 Q When Mr. Skakel was returned from escape, he was  
25 then assigned a personal overseer?

26 A Yes.

27 Q That is who would have had the responsibility of  
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01 being with him at all times up until at least the general  
02 meeting was held?

03 A Yes.

04 Q Do you recall whether or not he was assigned a  
05 personal overseer after the time of that general meeting?

06 MR. SHERMAN: Objection, Your Honor, beyond the  
07 scope of the redirect.

08 MR. BENEDICT: I claim it. Counsel brought up  
09 the subject of personal overseer on redirect.

10 MR. SHERMAN: I don't think I did. I don't  
11 think I did.

12 THE COURT: The objection is overruled.

13 BY MR. BENEDICT:

14 Q You may answer. Do you know?

15 A I don't know.

16 Q Were you assigned, in the kitchen in the course of  
17 that conversation that you had, were you assigned the task  
18 of being a personal overseer for him?

19 A At that particular time, I was his personal  
20 overseer because I was sitting there and having a  
21 conversation. I didn't need to be assisted by someone  
22 that was in the house or something. We were just kind of  
23 talking and he was doing what he was supposed to be doing  
24 and I was just trying to talk to him. So, yes, I was --

25 Q Were you assigned to watch him at that point?

26 A It wasn't assigned. It was forthcoming on my own  
27 person.

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01 MR. BENEDICT: I have no further questions.

02 REDIRECT EXAMINATION BY MR. SHERMAN:

03 Q And, when that happened, were you trying to get  
04 him to crack?

05 A When that happened, I was trying to get him to  
06 crack, that is correct.  
07 Q You wanted him to admit to the killing of Martha  
08 Moxley?  
09 A I wanted to know whether it was true or not and  
10 whether he did it, yeah. I wanted --  
11 Q And, did you find out?  
12 A Yes. What I found out was he didn't -- he told  
13 me that he didn't do it.  
14 MR. SHERMAN: Thank you. Nothing further.  
15 MR. BENEDICT: I have no questions.  
16 THE COURT: Thank you. You may step down.  
17 THE WITNESS: Thank you.

00069

01  
02 MR. SHERMAN: I call Mrs. McFillin.  
03 ANGELA MC FILLIN,  
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: My name is Angela McFillin,  
08 Baltimore, Maryland.  
09 THE CLERK: Would you spell your last name,  
10 please?  
11 THE WITNESS: M-C-F-I-L-L-I-N.  
12 THE CLERK: Thank you.  
13 DIRECT EXAMINATION BY MR. SHERMAN:  
14 Q Angela, how old are you?  
15 A 37.  
16 Q And, without telling us the name of the company,  
17 what do you do? Who do you work for?  
18 A I am a senior laboratory technician in a medical  
19 school.  
20 Q And, did you finish your education?  
21 A Yes.  
22 Q You were in Elan; correct?  
23 A Yes.  
24 Q From when to when?  
25 A May, 1978 through January, 1980.  
26 Q After Elan, you went to college?  
27 A Yes.

00070

01 Q Where did you go?  
02 A I went to a few schools. I hold two bachelor  
03 degrees.  
04 Q In what areas?  
05 A One in business administration and one in  
06 biomedical and research technology.  
07 Q While you were at Elan, did you have occasion to  
08 meet Michael Skakel?  
09 A Yes.  
10 Q Do you remember when? Do you remember the  
11 occasion?  
12 A The first time I saw Michael he had a smile sign  
13 around his neck.  
14 Q Had a what?  
15 A A smile, like a cheshire cat and so he was already

16 there probably maybe a few months before I arrived.  
17 Q Did you have occasion to know John Higgins?  
18 A Yes, I did.  
19 Q Did you have occasion to know Greg Coleman?  
20 A Yes.  
21 Q Did you have occasion to know Kim Freehill?  
22 A Yes.  
23 Q And, Sarah Peterson?  
24 A Yes.  
25 Q And, Alice Dunn?  
26 A Yes.  
27 Q By the way, what brought you here today?

00071

01 A I heard through various media reports that Michael  
02 had been arrested based on testimony, at the time I didn't  
03 know who, from former Elan residents. Since I was there,  
04 I thought the truth should come out since his life is on  
05 the line.  
06 Q And, did some investigator dig you up?  
07 A No, I contacted you, Mr. Sherman.  
08 Q You sent me a letter?  
09 A That's right.  
10 Q Out of the blue?  
11 A Yes.  
12 Q Did you ever have occasion to hear Michael Skakel  
13 confess to the murder of Michael Moxley?  
14 A No.  
15 Q Any question about that?  
16 A No.  
17 Q Did you ever hear anyone confront Michael about  
18 this?  
19 A Yes.  
20 Q On many occasions or a few?  
21 A It's hard to say. That's, you know, I mean, it  
22 came up on a few occasions.  
23 Q Now, what was Michael's response?  
24 A Michael denied it. There was a general  
25 meeting. I was present at the general meeting after  
26 Michael had run away. Initially, he was confronted about  
27 it and denied it. At that point, he went into the boxing

00072

01 ring, what they called the boxing ring which just consisted  
02 of Michael and a pair of boxing gloves with some head gear  
03 and another student where it was not a timed round like a  
04 professional or an amateur boxing. It was just a matter  
05 of the staff member, depending on how long they felt you  
06 needed to be in there. So, the rounds were based on  
07 that.

08 And, so Michael got beat up by several people, one  
09 at a time. And at that point, after that, he said -- Joe  
10 Ricci was there. Joe Ricci wanted Michael to give an  
11 account of what happened that evening and at that point,  
12 Michael said he didn't know.

13 MR. BENEDICT: Objection. Mr. Skakel is here.  
14 He can testify. This is hearsay, what Michael Skakel  
15 said.

16 THE COURT: Under the case of in re: Ralph,

17 hearsay is not an issue in these proceedings. The  
18 objection is overruled.

19 BY MR. SHERMAN:

20 Q You can continue.

21 A At that point, Michael just said that he didn't  
22 know, he couldn't remember.

23 Q And, did the beatings stop?

24 A Yes.

25 Q Did Michael ever tell you after that that he  
26 really did it or he really didn't do it? Did he ever  
27 change from anything that you told us?

00073

01 A No.

02 Q And is that why you are here, to tell us that?

03 A Yes, I wanted to give my, you know, my  
04 recollection.

05 MR. BENEDICT: Objection, that's self serving.

06 MR. SHERMAN: I don't claim it.

07 BY MR. SHERMAN:

08 Q John Higgins, how well did you know John Higgins?

09 A I knew him pretty well, I would suppose. We  
10 lived in the same house for 18 months.

11 Q And, what was his position there? What was his  
12 job? What was his function? What did he do?

13 A Well, he, like the rest of us, had several  
14 different jobs. They changed throughout our stay there.  
15 So, you know, it changed. At one point he was in the  
16 service crew. At one point he was an expediter.

17 Q Was he in a position at one point to be guarding  
18 Michael Skakel, if you know?

19 A Not to my knowledge. Maybe after Michael ran  
20 away and came back, he may have been in a position to guard  
21 Michael.

22 Q Were you aware of the relationship, if any,  
23 between Michael Skakel and John Higgins? Did they appear  
24 to be friends?

25 A No, they didn't appear to be friends. We were  
26 all kind of forced into a situation where we had to live  
27 with people, whether we liked them or not. So, I mean,

00074

01 maybe -- he had closer friends than John Higgins.

02 Q Michael did?

03 A Yes.

04 Q Did it appear as though John Higgins and Michael  
05 Skakel were close enough that Michael would confide in him?  
06 Did they have that kind of a relationship that you  
07 observed?

08 MR. BENEDICT: Objection. How could she testify  
09 to that?

10 MR. SHERMAN: She was there 18 months. They  
11 lived together, just the nature of what she observed.

12 THE COURT: I will overrule the objection, if she  
13 can answer that.

14 BY MR. SHERMAN:

15 Q Did they have that kind of a relationship?

16 A No, Michael was not very close to John Higgins.

17 I wouldn't think that Michael -- there were other people

18 there that Michael was closer to that if Michael were to  
19 confide in someone, it would have been someone else.

20 Q What was John Higgins' reputation with regard to  
21 truthfulness?

22 A Personally, I felt that I should be guarded around  
23 him.

24 MR. BENEDICT: Objection, the question is  
25 reputation.

26 THE COURT: I think she is explaining her answer  
27 or giving her answer.

00075

01 THE COURT: The question is what was his  
02 reputation for truthfulness.

03 THE WITNESS: I can only speak from my own  
04 personal views.

05 BY MR. SHERMAN:

06 Q Please --

07 MR. BENEDICT: Objection.

08 BY MR. SHERMAN:

09 Q -- tell us.

10 MR. BENEDICT: It's not appropriate testimony.

11 BY MR. SHERMAN:

12 Q Let me rephrase it. Did you feel that, based  
13 upon the reputation of John Higgins in that community, did  
14 you feel you could trust him?

15 MR. BENEDICT: Objection. There is no foundation  
16 for this testimony.

17 THE COURT: Objection sustained.

18 BY MR. SHERMAN:

19 Q Were you aware of what other people thought of  
20 John Higgins with regard to whether or not he was a liar or  
21 someone who tells the truth?

22 A Yes.

23 Q And, what was that reputation?

24 A He exaggerated and embellished stories quite a  
25 bit.

26 Q Do you know why?

27 MR. BENEDICT: Objection. How could she answer

00076

01 that?

02 MR. SHERMAN: I am going to claim it, Your Honor.

03 THE COURT: That's a yes or no answer. I will  
04 overrule the objection to that.

05 BY MR. SHERMAN:

06 Q Do you know why he would embellish or tell  
07 stories?

08 A Yes.

09 Q Why?

10 MR. BENEDICT: I renew the objection, how can she  
11 look into his mind.

12 THE COURT: And, how do you claim this?

13 MR. SHERMAN: Well, John Higgins, Your Honor, is  
14 an accuser here.

15 THE COURT: I understand who John Higgins is; I  
16 heard his testimony.

17 MR. SHERMAN: I think she is someone who can  
18 reflect or give us information with respect to the

19 veracity of John Higgins which is directly in issue.  
20 And she can explain why, she can explain her answer,  
21 what is it based on, why does she believe he had a  
22 reputation for not being truthful which she already told  
23 us.

24 THE COURT: The question was why she exaggerated  
25 and embellished.

26 MR. BENEDICT: Again, Counsel is asking this  
27 witness to look through Mr. Higgins' mind. I don't  
00077

01 think she has the ability to do that.

02 THE COURT: Objection sustained.

03 BY MR. SHERMAN:

04 Q If John Higgins were to lie, was it something good  
05 for him?

06 A Yes.

07 Q What would happen?

08 A He would be rewarded, brownie points with the  
09 staff, that type of thing, make himself look better.

10 Q And, did he do that routinely?

11 A When he had the opportunity.

12 Q With respect to John Higgins and Michael Skakel,  
13 was there hostility?

14 A Not to my knowledge.

15 Q With respect to John Higgins and anyone, was there  
16 hostility?

17 MR. BENEDICT: Objection, relevance.

18 MR. SHERMAN: I will withdraw that, Your Honor.

19 BY MR. SHERMAN:

20 Q With respect to Greg Coleman --

21 A May I say something?

22 THE COURT: There is no question pending. There  
23 was an objection and the question was withdrawn, not  
24 claimed. So now there is no question pending.

25 BY MR. SHERMAN:

26 Q Were you close to John Higgins?

27 A Not on a friendly -- no, not on a friendly basis.  
00078

01 Q Did you have occasion to observe him on a  
02 day-to-day basis?

03 A Absolutely.

04 Q If John Higgins were to tell you something, would  
05 you take his word for it or would you want to have further  
06 information?

07 MR. BENEDICT: Objection.

08 THE COURT: Objection sustained.

09 BY MR. SHERMAN:

10 Q Did you ever catch John Higgins in a lie?

11 MR. BENEDICT: Objection.

12 MR. SHERMAN: I think I can ask that, Your Honor.

13 MR. BENEDICT: Has he lied on one occasion before  
14 or two occasions before, that's not relevant for the  
15 purposes of this inquiry.

16 THE COURT: And, how do you claim that question?  
17 Did she ever catch him?

18 MR. SHERMAN: It is veracity of John Higgins,  
19 Your Honor, which is directly in issue.

20 MR. BENEDICT: If he lied about this --

21 THE COURT: Objection sustained.

22 BY MR. SHERMAN:

23 Q Do you know whether or not John Higgins has lied  
24 about Michael Skakel?

25 A Yes.

26 Q How do you know that?

27 A Because the circumstances of his deposition which  
00079

01 I read just wouldn't have happened that way.

02 Q Why not?

03 A Because had it happened, John Higgins would have  
04 immediately turned Michael in.

05 Q Why?

06 A If he hadn't, it would undermine the whole  
07 philosophy of the program which was you are supposed to rid  
08 yourself of guilt and you are supposed to get it all out on  
09 the table and deal with it and put it behind you.

10 Q And, it would have been John Higgins' function and  
11 in his interests personally to make sure that everyone knew  
12 that he got Michael Skakel to confess; correct?

13 A Absolutely.

14 Q And, that never happened; did it?

15 A That is correct.

16 Q And, the first time you ever heard that Michael  
17 Skakel confessed to John Higgins is probably last week; am  
18 I correct?

19 A No.

20 Q When?

21 A When I read the deposition.

22 Q When you read --

23 A Or the paperwork.

24 Q When you read the initial accusation of John  
25 Higgins?

26 A That is correct.

27 Q Which you got from me?

00080

01 A Yes.

02 Q After you sent me a letter?

03 A Yes.

04 Q Before that, you never heard anything about John  
05 Higgins telling anybody that Michael Skakel confessed;  
06 true?

07 A That is correct.

08 Q Let's go to Greg Coleman, how well did you know  
09 Greg Coleman?

10 A I knew him fairly well.

11 Q Was he a gentle guy?

12 A Gentle?

13 Q Yes.

14 A Yes. I mean, at the time he didn't seem like a  
15 threat.

16 Q Not a mean spirited person?

17 A No, he didn't seem mean spirited.

18 Q Yet, he was a, quote, unquote, gorilla? Was he  
19 like part of the enforcing squad or something?

20 A That I don't remember.

21 Q Were you aware of his part in Kim Freehill's  
22 beating?  
23 A No, I don't recall.  
24 Q Were you aware of Greg Coleman ever telling you or  
25 anybody else that Michael Skakel confessed to him?  
26 A No, Greg Coleman never told me that.  
27 Q Would he have told you that?  
00081  
01 A I think probably he would have come to me had that  
02 happened.  
03 Q Why is that?  
04 A We lived in the house together and I was in a  
05 position directly above him as a supervisor.  
06 Q So, his position was what and your position was  
07 what?  
08 A At the time, he was my department head in the  
09 kitchen and I was a coordinator at Elan eight.  
10 Q And, if someone had said something to Greg Coleman  
11 of this nature, I killed somebody, I committed a murder,  
12 was Greg the kind of person who would have reported it to  
13 you?  
14 MR. BENEDICT: Objection. How would she know  
15 what kind of person he is?  
16 THE COURT: How do you --  
17 MR. SHERMAN: Withdrawn. If I may withdraw it,  
18 Your Honor, and rephrase it?  
19 BY MR. SHERMAN:  
20 Q Was it Greg's responsibility under the protocol of  
21 Elan to report that to you?  
22 A Yes.  
23 Q Did he ever?  
24 A No.  
25 Q Did he ever report anything else to you about  
26 anybody?  
27 A I can't remember specifics. It was 25 years ago  
00082  
01 but I am sure -- I can't remember a specific but I do  
02 believe he did.  
03 Q So, it is not like he never reported anything?  
04 A That's right.  
05 Q He reported things that were significant in his  
06 eyes?  
07 A Yes.  
08 Q And, that you considered appropriate to have been  
09 reported to you?  
10 A Yes.  
11 Q Are you forgetting maybe that he reported Michael  
12 or --  
13 MR. BENEDICT: Objection, leading.  
14 BY MR. SHERMAN:  
15 Q Any question in your mind that he never ever  
16 reported in paper or anyplace else --  
17 MR. BENEDICT: Objection, self serving.  
18 MR. SHERMAN: -- that Michael Skakel committed  
19 this crime?  
20 THE COURT: The objection is sustained.  
21 BY MR. SHERMAN:



22 Q When you were interacting at any time with John  
23 Higgins, were you relaxed?  
24 A No.  
25 Q Why?  
26 MR. BENEDICT: Objection, relevance.  
27 THE COURT: How do you claim this, Attorney  
00083  
01 Sherman?  
02 MR. SHERMAN: It goes to the veracity but  
03 probably it has been asked and answered enough, Your  
04 Honor, and I am not going to spend the Court's time  
05 going over it again.  
06 BY MR. SHERMAN:  
07 Q This morning you met with Sarah Peterson, Angela  
08 McFillin and Alice Dunn for the first time in many years;  
09 correct?  
10 A Yes.  
11 Q We met in my office for like 20 minutes?  
12 A Yes.  
13 Q Did anybody tell you what to say or anything?  
14 A No.  
15 Q You didn't sit down with Sarah and --  
16 MR. BENEDICT: Objection. Is counsel  
17 cross-examining his own witness here?  
18 MR. SHERMAN: Kind of.  
19 MR. BENEDICT: This is self serving.  
20 THE COURT: I will allow the question at this  
21 point.  
22 BY MR. SHERMAN:  
23 Q Did anyone say to you, the three of you sit down  
24 and get your stories straight?  
25 A No. All you asked is that we tell the truth.  
26 That's all that you asked of us.  
27 Q Did you ever see Michael with the dunce cap?  
00084  
01 A Yes.  
02 Q Under what circumstances did he wear a dunce cap  
03 that you observed?  
04 A If he got a bad grade in school, an F, then, that  
05 was part of what they called a learning experience. It  
06 was a punishment.  
07 Q Was he humiliated?  
08 A Absolutely.  
09 Q Did Alice Dunn or anybody ever tell you that  
10 Michael confessed to them?  
11 MR. BENEDICT: Objection, hearsay.  
12 THE COURT: Okay, the question is did Alice Dunn  
13 or anyone else tell her that he confessed?  
14 MR. SHERMAN: That is correct.  
15 THE COURT: I will overrule the objection.  
16 THE WITNESS: No. No one ever told me that  
17 Michael confessed.  
18 BY MR. SHERMAN:  
19 Q And, Michael never confessed at the general  
20 meeting?  
21 A Michael never did confess.  
22 MR. SHERMAN: Nothing further. Thank you.

23 THE COURT: Attorney Benedict.

24 MR. BENEDICT: Thank you, Your Honor.

25 CROSS EXAMINATION BY MR. BENEDICT:

26 Q I have only a few questions. You indicated that  
27 at some point you were a coordinator at Elan eight, you

00085

01 were a supervisor of Gregory Coleman?

02 A Yes.

03 Q And, Gregory Coleman had some position at Elan  
04 eight at that time. What was it?

05 A Department head of the kitchen.

06 Q Elan eight is not Elan three?

07 A Elan three, we were all living there together and  
08 another house was built which was called Elan eight. And,  
09 then some of us moved down there. At the time, Alice Dunn  
10 also moved down to Elan eight.

11 THE COURT: Is that eight?

12 THE WITNESS: Yes.

13 THE COURT: Okay.

14 BY MR. BENEDICT:

15 Q At that time, you were a coordinator. Is a  
16 coordinator a member of the staff at Elan?

17 A No.

18 Q Just a resident who has a job to make sure, to  
19 supervise other residents?

20 A Right. It would be, other than senior  
21 coordinator, it would be the highest position as a  
22 resident.

23 Q You knew Mr. Higgins from Elan three?

24 A Elan three and also Elan eight. He also moved to  
25 eight.

26 Q And, that's where you knew Mr. Skakel from?

27 A Michael Skakel, he was at Elan three and then

00086

01 later on staff. I don't recall Michael moving with us to  
02 Elan eight.

03 Q How about Coleman, he moved from three to eight?

04 A Yes.

05 Q What is a night owl?

06 A A night owl was a term for the men that stayed in  
07 the men's dorms and did head counts about every 15 minutes  
08 to make sure no one ran away.

09 Q And, with regard to the men's dorm, that position  
10 was filled by men?

11 A That is correct.

12 Q And, as regards to women's dorms, that position  
13 was filled by men or by women?

14 A No, well, it was the girls and boys that were  
15 there at the program actually were the ones that had the  
16 jobs, if they were trusted enough.

17 Q You yourself would never have been put in a  
18 position to be a night owl in any of the men's dorms?

19 A No, I was a night woman in the women's dorms.

20 Q That would be you would be responsible for making  
21 sure the night owls did the bed checks and kept the women  
22 from --

23 A No, that was the night man. There were night

24 women that stayed in the women's dorms and then the night  
25 owls stayed in the men's dorms. And then there was a go  
26 between called the night man and he went back and forth,  
27 yes.

00087

01 Q It was a man?

02 A Yes, it was always a man and he went back and  
03 forth to make sure that everyone was okay.

04 Q No woman ever served as night man?

05 A That is correct.

06 Q So, you would never, at your time in Elan, you  
07 would have never had responsibility to make sure that the  
08 night owls were performing their tasks?

09 A That is correct.

10 Q Now, at that time, at the time you were at Elan  
11 three, about 50 people, total population of residents?

12 A That's probably about right. It may have been a  
13 little bit less than 50.

14 Q A little less?

15 A Yeah.

16 Q And, it was about an even split between men and  
17 women?

18 A I would say so, yes.

19 Q And, as far as the men went -- well, I will  
20 withdraw that.

21 The women had one sleeping facility; is that  
22 correct? This is Elan three, it was upstairs, second floor  
23 over where the dining hall was situated; is that correct?

24 A That is correct.

25 Q The men did not sleep in that particular building?

26 A It was a cabin down the hill from the main house.

27 Q Was it one cabin or more than one cabin?

00088

01 A I never went in the men's dorms so I am not sure  
02 -- I believe it was just one dorm. It may have been one  
03 building with two separate entrances, I am not sure. I  
04 never went in there.

05 Q So, if Elan three was split roughly down the  
06 middle in terms of male female population, there would have  
07 been at any given time a total of about 25 males assigned  
08 as residents of Elan three?

09 A Yes.

10 Q That's fair to say?

11 A Yes.

12 Q And, they resided either in one particular  
13 building or possibly in two separate buildings or something  
14 like that, as far as their sleeping arrangement?

15 A It was away from the main house.

16 MR. BENEDICT: If I could have just a moment, Your  
17 Honor.

18 THE COURT: Yes.

19 BY MR. BENEDICT:

20 Q Did the subject of murder ever come up during your  
21 time at Elan aside from the situation that Mr. Skakel was  
22 associated with? I mean, anybody else, any other resident  
23 during your time at Elan, were you ever -- I am asking five  
24 questions here, let me rephrase it.

25 Do you recall while you were at Elan anybody else,  
26 any other resident there being associated with any other  
27 crime of murder?

00089

01 A Not at Elan three.

02 Q And, I didn't want to get into why you were there,  
03 but would it not be fair to say that most of the residents  
04 at Elan three were there for substance abuse problems?

05 A That's an incorrect statement.

06 Q Explain to me what -- during your stay at Elan  
07 three, what was the general reason for most of the --

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

09 THE COURT: Attorney Benedict, how do you claim  
10 it?

11 MR. BENEDICT: We are talking about -- let me  
12 rephrase the question.

13 BY MR. BENEDICT:

14 Q Isn't it true that everybody at Elan three was  
15 there because they had some kind of a problem that caused  
16 them to be placed in Elan three?

17 MR. SHERMAN: Same objection, Your Honor,  
18 relevance.

19 THE COURT: I will overrule the objection. You  
20 may answer the question.

21 THE WITNESS: Apparently our parents thought so.  
22 We were children.

23 BY MR. BENEDICT:

24 Q You were children?

25 A Yes.

26 Q And, the age range when you were there, the  
27 youngest were how old?

00090

01 A 13 or 14.

02 Q And, the age range in Elan three, did it go up a  
03 good bit?

04 A Elan three it did.

05 Q Adults?

06 A There were some older adults there, a few.

07 Q Mr. Coleman, how old was he when he was there?

08 A About my age.

09 Q And, you were?

10 A 15 until I was 17.

11 Q And, Mr. Higgins was about the same age when he  
12 was there as well?

13 A He may be a year older than me and Greg may be a  
14 year younger than me but we are about the same age.

15 Q Mr. Skakel was maybe just a little bit older than  
16 you?

17 A A little bit, yes.

18 MR. BENEDICT: I have no further questions.

19 THE COURT: I have a question. Did you indicate  
20 that night owls got the jobs if they were trusted  
21 enough?

22 THE WITNESS: If they were trusted not to run  
23 away or -- yeah, if they had earned enough trust and  
24 been there long enough and the staff felt that they were  
25 responsible enough.

26 THE COURT: And, who decided who was a night owl,  
27 if you know.

00091

01 THE WITNESS: I am not sure if the staff -- you  
02 know, this was a decision at least at the staff level.  
03 I am not sure if it was at the director level or not, at  
04 least staff.

05 THE COURT: Attorney Sherman.

06 REDIRECT EXAMINATION BY MR. SHERMAN:

07 Q Do you recall was Greg Coleman a night owl at any  
08 time?

09 A Not that I recall.

10 Q How about John Higgins?

11 A Yes.

12 Q Now, was that because he was such a trusted  
13 person?

14 A I am not sure why. I mean, he I guess wasn't  
15 going to run away. He wasn't a threat to run away and he  
16 could count heads so I suppose he was trusted enough.

17 Q And, that's the qualifications to be a night owl,  
18 they don't think he is going to run away and he can count  
19 the heads; right?

20 A Right.

21 Q It wasn't because of any great therapeutic powers  
22 or knowledge that he has?

23 A Right.

24 Q If a night owl hears a confession to murder, would  
25 you have heard about it?

26 A I believe so, yes.

27 Q Why?

00092

01 A Again, even if -- because I was a night woman at  
02 the time, and there were other -- the night man would be  
03 back and forth and something that important and something  
04 that big would not have waited. Someone would have said  
05 something about it, I believe.

06 Q That was the nature of this community; correct?  
07 It was a small community?

08 A Right.

09 Q And, you didn't have a lot else to talk about;  
10 correct?

11 A That's right.

12 Q And, if somebody confessed to something, let alone  
13 murder, that would get around pretty quick?

14 A Yes.

15 Q And, that would be whether it was to a night owl,  
16 to a night person, to a night watchman, to anybody;  
17 correct?

18 A Yes. The appropriate protocol would have been to  
19 go to the next level to turn it in, a coordinator or a  
20 staff member.

21 Q Did people gossip about people a lot too?

22 A Yes. There was that. They glamorized in kind  
23 of a twisted way maybe telling stories, yes.

24 Q Michael Skakel never did that; did he?

25 A No, Michael never did that.

26 Q Did he brag about being a Kennedy?

27 A Not at all, no. Michael was always polite.  
00093

01 RE CROSS EXAMINATION BY MR. BENEDICT:

02 Q Was the protocol if somebody confessed to a  
03 misdeed to turn that into an immediate superior?

04 A Yes, probably a coordinator, at least.

05 Q And, did every 16 year old at Elan abide by that  
06 protocol in every instance? There is no way you can tell  
07 that; is there?

08 MR. SHERMAN: Objection, if she may be allowed to  
09 answer the question

10 BY MR. BENEDICT:

11 Q Go ahead, answer it.

12 A If we didn't -- I never kept any secrets  
13 personally and I think it would, like I said, it would  
14 undermine the whole idea of the program.

15 Q So, if everybody complied with the protocol all  
16 the time, what did you have night owls for?

17 A Well, not everyone did. It was -- there was a  
18 lot of physical punishment there that was disturbing to say  
19 the least.

20 MR. BENEDICT: I have no further questions.

21 BY MR. SHERMAN:

22 Q What kind of physical punishments?

23 A Spankings.

24 Q Who would do this?

25 A Other residents under the supervision of a staffer  
26 or a director.

27 Q Did John Higgins do this?

00094

01 A I am sure at some point he did.

02 Q Do you remember John Higgins being violent at all?

03 A He would be the first one to volunteer.

04 MR. BENEDICT: I object. Way beyond the scope.

05 THE COURT: Objection is sustained.

06 MR. SHERMAN: He opened the door, Your Honor,  
07 with regard to the spanking.

08 MR. BENEDICT: The question that produced that was  
09 did people comply with all the protocol at Elan all the  
10 time and I think the testimony has been --

11 MR. SHERMAN: But the answer came out about the  
12 spankings. I didn't object to it and the State didn't  
13 move to strike it. So I am just asking her whether or  
14 not John Higgins participated in that at all. I think  
15 she just has a quick answer.

16 THE COURT: You are asking whether she actually  
17 saw John Higgins participate?

18 MR. SHERMAN: That is correct.

19 THE COURT: I will overrule the objection.

20 THE WITNESS: Some of this was behind closed  
21 doors, particularly where the men were involved. So I  
22 don't recall specific instances but I do remember  
23 specifically him volunteering for these cowboy beatings  
24 is maybe a better word than what they called it.

25 BY MR. SHERMAN:

26 Q And, John would be the first to volunteer?

27 MR. BENEDICT: Objection, leading.

00095

01 THE COURT: Objection sustained.  
02 BY MR. SHERMAN:  
03 Q With regard to night owls reporting these things,  
04 let's now talk about night owls in general. From your  
05 knowledge of John Higgins, from your knowledge of what John  
06 Higgins would want Joe Ricci to know and what John Higgins  
07 would like to see happen to John Higgins, had John Higgins  
08 heard a confession, would he have reported it?  
09 MR. BENEDICT: Objection, beyond the scope,  
10 leading, asked and answered.  
11 MR. SHERMAN: I am going to claim it. It's a  
12 hypothetical based on facts directly in evidence.  
13 THE COURT: The objection is sustained. It was  
14 asked and answered previously.  
15 MR. SHERMAN: Nothing further, thank you.  
16 MR. BENEDICT: No questions.  
17 THE COURT: Thank you, you may step down.  
18

00096

01 MR. SHERMAN: I will call Sarah Peterson.  
02 SARAH PETERSON,  
03 having been first duly sworn, testified as follows:  
04 THE CLERK: Please have seat and state your name  
05 and address for the record, Ma'am.  
06 THE WITNESS: My name is Sarah Peterson and my  
07 address is 1035 United Street, Key West, Florida.  
08 DIRECT EXAMINATION BY MR. SHERMAN:  
09 Q Hi, Sarah. How are you doing?  
10 A Hi, Mickey.  
11 Q You live in Key West; correct?  
12 A Yes.  
13 Q What do you do there?  
14 A I run a few guest houses.  
15 Q How long have you been there?  
16 A Three years.  
17 Q Before that, what were you doing?  
18 A I was living in Maryland bartending.  
19 Q Now, you are how old?  
20 A 38.  
21 Q You had occasion to be in the Elan program some  
22 years ago?  
23 A Yes, I did.  
24 Q When were you there?  
25 A I was there from January of 1979 until June of  
26 1980.  
27 Q By the way, how did you get here? What prompted

00097

01 you to come to this Court today?  
02 A When I first read about Michael's arrest and the  
03 kind of --  
04 MR. BENEDICT: I object, this is self serving.  
05 MR. SHERMAN: That's what I am here for, to serve  
06 my client, Your Honor. I don't think that's a big  
07 shocker here, that it is self serving.  
08 THE COURT: The question is how she came about --  
09 I will overrule the objection.

10 BY MR. SHERMAN:

11 Q How did you get here?

12 A When I read about the case against Michael and the  
13 kind of evidence they had and the kind of people who were  
14 saying the things they were such as John Higgins saying  
15 that he had admitted this, I knew that that was not the  
16 truth. And I did not feel like I could stand by and let a  
17 lie like that effect a man's life.

18 Q And, you sent me a letter or called me?

19 A I sent you a letter and I called you.

20 Q We didn't send out some investigator to dig you  
21 up; correct?

22 A No.

23 Q The State's Attorney didn't dig you up someplace?

24 A No, sir.

25 Q And, you didn't testify before the Grand Jury or  
26 anything?

27 A No, sir.

00098

01 Q Did you ever speak to Inspector Garr at all?

02 A No, sir.

03 Q You never spoke to anyone from the State  
04 Attorney's office?

05 A No, sir.

06 Q So, at some point you and I spoke about this case;  
07 right?

08 A Yes, we did.

09 Q Down in Key West?

10 A Yes, we did.

11 Q And, then you came up here yesterday, last night;  
12 correct?

13 A Last night.

14 Q And, we met in the office, in my office this  
15 morning?

16 A Yes, sir.

17 Q And, who did you meet with?

18 A It was you, me, Alice Dunn, Angela, Kim and  
19 Michael was there for the very end.

20 Q Had you seen them before today?

21 A I hadn't seen anybody except for Michael when he  
22 came to Key West since I left Elan.

23 Q So, you had not kept an ongoing relationship with  
24 any of these other people?

25 A No, I haven't.

26 Q And, did you discuss the events of Elan with them  
27 this morning for a brief period?

00099

01 A Yes, I did.

02 Q When you got there, when is the first time -- when  
03 you got to Elan, when is the first time you saw Michael  
04 Skakel?

05 A I saw Michael Skakel the first day I was there.  
06 He was shot down at the time.

07 Q What does that mean?

08 A It means he had no position so he was basically  
09 scrubbing floors on his hands and knees.

10 Q Now, there was a general meeting about Michael



11 Skakel where he was in a boxing ring. Are you aware of  
12 that?

13 A I am aware of that but I was not there for that.

14 Q You were not there for that; correct?

15 A No, it was right before I got there.

16 Q So, that happened before you got there?

17 A Right, directly before.

18 Q Did you ever have occasion to speak to Michael  
19 Skakel when he was in this shot down position?

20 A As a new resident, they really didn't want you to  
21 talk with somebody who was in a position of being shot down  
22 so it was probably I started speaking with him probably  
23 after I was there several months.

24 Q Was it common knowledge that Michael Skakel  
25 murdered a girl?

26 A No, it was not.

27 Q You told us that you believe John Higgins lied  
00100

01 here; right?

02 A I do.

03 Q Why do you say that?

04 A John in the program of Elan was well known for  
05 letting anything you said to him be known to everybody  
06 because it achieved him two things. It achieved him  
07 brownie points with the staff members and it also made him  
08 feel more adequate as a person.

09 Q Obviously, you didn't like John Higgins?

10 A I didn't think much of him.

11 Q Why?

12 A In Elan, people who are in the program run the  
13 program and it is very obvious when people are mean  
14 spirited, unkind people because they can use that --

15 MR. BENEDICT: Objection, this is irrelevant.

16 THE COURT: I will overrule the objection. You  
17 can finish your answer.

18 THE WITNESS: Because they can use that power over  
19 the people who are weaker or in lesser positions and in  
20 fact it is encouraged by the staff for you to do that,  
21 not to -- to get the people to admit to whatever you  
22 need to get them to say, to break them so that they can  
23 maybe rebuild you into what they believe you should  
24 be. He was the kind of person who always was trying to  
25 look for dirt on somebody else to make himself look  
26 better and to make other people look worse.

27 BY MR. SHERMAN:

00101

01 Q And, when he found dirt on people, he kept it to  
02 himself or shared it with the world?

03 A He shared it with the world. It was an open book  
04 thing in Elan. When somebody did something, it was common  
05 knowledge among all the people who were there.

06 Q Was it common knowledge that Michael Skakel  
07 confessed to John Higgins?

08 A No, sir.

09 Q Was it common knowledge that Michael Skakel  
10 confessed to anybody?

11 A No, sir.

12 Q Did you ever talk to Michael Skakel about this  
13 case?

14 A When you guys flew down to Key West, we discussed  
15 it.

16 Q He certainly didn't confess then?

17 A We discussed it at Elan.

18 Q Did he ever confess to you at Elan?

19 A No. In fact, he told me that he could never do  
20 anything like that and that he said even if he was drinking  
21 and in a blackout, there would have been some physical  
22 evidence when he awakened and that he knew as a person that  
23 he couldn't do that because it was not something that was  
24 in his heart. He was always a very kind person.

25 Q Were you present when they were trying to convince  
26 Michael that he did it?

27 A I was present on more than one occasion when they  
00102  
01 tried to convince Michael that he did it.

02 Q Explain to us that process.

03 A They would generally either in a group session or  
04 in a general type meeting put pressure on people by  
05 continually saying to you again and again and again you did  
06 this, just admit it and we will stop it. They would beat  
07 you. They would put you in a boxing ring. They would do  
08 whatever they could in order to get you to say what they  
09 felt like you should say.

10 I saw Michael several times told, we know you did  
11 it, just admit it. We know you did it and he would say I  
12 didn't do it, I didn't do it, I didn't do it. And he would  
13 say -- he would just like they would pressure him for like  
14 days or months or weeks and it was just never ending.

15 Q Did there finally come a time when he would say I  
16 don't know?

17 A Yes, there did.

18 Q And, why did that happen, if you know?

19 A When Michael and I discussed that later, he said  
20 sometimes I hear it so much that I even doubt myself but I  
21 know I could have never done anything like this.

22 Q And, also after he would say I don't know, did  
23 they stop harassing him?

24 A Yes, they did.

25 Q Greg Coleman, do you remember him?

26 A Vaguely, yes.

27 Q You didn't know him well?

00103  
01 A I know him. I know who he is but he was not  
02 somebody who was paramount to my life at that time. He  
03 was kind of a non-entity.

04 Q Was he someone that you would have confided in?

05 A No.

06 Q Do you know whether or not Michael Skakel would  
07 have confided in him?

08 A I didn't know Michael Skakel had any sort of  
09 relationship with Greg at all.

10 Q You never saw them hanging out together?

11 A I never saw them hanging out together. I spent a  
12 lot of time with Michael. He was right above me in the

13 program so I know who he was pretty much talking to and  
14 around.

15 Q You were there for how long?

16 A I graduated 15 months but stayed another month to  
17 graduate high school.

18 Q So, for the 15 months you were there, you saw  
19 Michael Skakel daily?

20 A I think at the very end he left right before I did  
21 but I saw him daily the whole time I was in the program.

22 Q And, you never saw him hanging out with Greg  
23 Coleman?

24 A No.

25 Q Did you ever see him hanging out with John  
26 Higgins?

27 A No.

00104

01 Q Was he friendly with John Higgins?

02 A No, I would say more like John Higgins was a bully  
03 to Michael Skakel.

04 Q Did you ever see that happen?

05 A Yes, I have.

06 Q Describe the interaction between the two?

07 A I remember when Michael was shot down, when I  
08 first came in, I remember John Higgins being like a PO over  
09 him.

10 Q What is a PO?

11 A Personal overseer and I remember John just always  
12 on him, just, you know, yelling at him, dealing with him,  
13 giving him verbal reprimands and just totally, you know,  
14 just never letting down on one second of making his life  
15 miserable.

16 Q Did John Higgins seem to enjoy that?

17 A Yes, he did. He seemed to enjoy it when he did  
18 it to me also.

19 Q Why did he do it to you?

20 A When I first arrived at Elan, you start out as a  
21 worker on the service crew. He was directly above me in a  
22 co-ramrod position with John Simpson. And since I had the  
23 comparison to be made very easily as to how they both dealt  
24 with me, while they were both very tough with me, Higgins  
25 really liked doing it. He liked to really come in and no  
26 matter what it was, you could never do anything right, no  
27 matter what you were doing and he used to like to watch you

00105

01 get dealt with. He used to like to watch you go down.

02 Q Did you know Kim Freehill?

03 A Very well.

04 Q Were you present when she was beaten?

05 A Yes, I was.

06 Q Would you describe that?

07 A I watched them beat Kim until she was bruised from  
08 the back of her knees to the top of her shoulders with open  
09 sores across her buttocks. And I watched her retreat into  
10 a shell where she just wasn't even there as a person.

11 Q Did they take her away?

12 A Yes, they did. I believe they air lifted her.

13 Q Did you ever see her again?

14 A I haven't seen her again and I have had an  
15 occasion in the last couple of weeks when I was -- I found  
16 her phone number to talk with her. And it was good for me  
17 because it was something that I worried about for so many  
18 years about her because I never seen somebody hurt that  
19 badly.

20 MR. BENEDICT: Objection to relevance.

21 BY MR. SHERMAN:

22 Q Was Greg Coleman one of the people who beat her?

23 A I don't recall exactly who beat her. There was a  
24 lot of people.

25 Q You were never beaten like that?

26 A I was beaten but not to that extent.

27 Q And, why did they beat her?

00106

01 MR. BENEDICT: I am sorry, beat her?

02 BY MR. SHERMAN:

03 Q Why did they beat her?

04 MR. BENEDICT: Objection, relevance.

05 THE COURT: How do you claim it?

06 MR. SHERMAN: Your Honor, it tells the story of  
07 the methodology at Elan, that people would be beaten,  
08 people would be harassed, people would be spat upon, put  
09 in a ring until they confessed to something. They did  
10 it with Michael Skakel. He didn't confess. I am  
11 asking did they do it with other people. It tells the  
12 story of Elan which better tells the story of Michael  
13 Skakel and explains why he may have gone from I didn't  
14 do it to I don't know.

15 THE COURT: The objection is sustained.

16 BY MR. SHERMAN:

17 Q Was Michael ever beaten like that?

18 A I never saw Michael beaten like I saw Kim Freehill  
19 beaten.

20 Q Did you ever see Michael wear the dunce cap?

21 A Yes, very often.

22 Q And, why was he wearing a dunce cap?

23 A If you had bad grades in school, they gave you a  
24 dunce cap to wear because they said you were stupid.

25 Q Did he wear a sign?

26 A He had a sign on when I first got there.

27 Q What did the sign say, if you remember?

00107

01 A I remember part of the sign. It said please  
02 confront me on the death of my friend Martha or something  
03 to that extent. I can't remember the exact words. It  
04 also said I am a spoiled brat and I think I can get away  
05 with anything. But the signs weren't something that we  
06 made ourselves. They were made by the staff.

07 Q And, how often did you wear that sign?

08 A I believe he wore that for several months when I  
09 first arrived at Elan.

10 Q And, did he in fact wear that -- did he go through  
11 several signs? Did they have to remake the sign?

12 A Well, when you are on the ground scrubbing the  
13 floor on your hands and knees and the signs get messed up,  
14 they would make you a new sign and the words might be a

15 little different but they were the basic same gist every  
16 time.

17 Q And, what was that sign designed to do?

18 A It was designed to, first off, humiliate him.  
19 Second off, get everybody to put pressure on him to admit  
20 to something, whether he did it or not.

21 Q Did he ever admit to it?

22 A No, he never did.

23 Q Was there a sign at one point trying to get him to  
24 admit that his brother killed Martha Moxley?

25 A I don't recall that.

26 Q Did he want to wear that sign?

27 A No.

00108

01 Q What would happen if he didn't wear the sign?

02 A They would have beaten him.

03 Q Did he ever have to recite what was on that sign  
04 to the Elan community? Did he have to speak those words?

05 A He used to do it at least -- I know he did it in  
06 the morning and at meals and at night before he went to  
07 bed.

08 Q And, is that because he wanted to do it?

09 A No, it was because he was told to do that by the  
10 staff.

11 Q He was forced to do that?

12 A Yes.

13 Q And, then would people confront him?

14 A People would confront him on a regular basis about  
15 this and we were very much encouraged to do things of that  
16 nature to try to make -- whoever they were trying to make  
17 say whatever they wanted them to say, they would encourage  
18 you to help them along.

19 Q Did you ever see John Higgins hug anybody?

20 MR. BENEDICT: I am sorry, I didn't hear the  
21 question.

22 BY MR. SHERMAN:

23 Q Did you ever see John Higgins hug anybody?

24 A Hug?

25 Q Hug. Is he the kind of guy who would hug  
26 somebody?

27 A I can't recall that. I can't imagine that

00109

01 either, though.

02 Q Did you ever see John Higgins hug Michael?

03 A No.

04 Q Would that have been a likely scenario based on  
05 your knowledge of the two and their interaction?

06 A Not at all.

07 Q Did anyone ever tell Michael in your presence that  
08 he is never going to leave Elan until he admits to this  
09 killing?

10 A Yes.

11 Q Who said that?

12 A Joe Ricci.

13 Q What did he say?

14 A He said it. This was after Michael's general  
15 meeting and I had arrived and he was wearing the sign. And

16 he said something to the effect of Skakel, you will never  
17 leave here until you admit you killed that girl.  
18 Q But, he did leave there; didn't he?  
19 A Yes.  
20 Q And, he never admitted it?  
21 A No.  
22 Q Did you ever hear from anyone else, Greg Coleman,  
23 John Higgins or anybody that Michael confessed to them that  
24 he killed Martha Moxley?  
25 A No, I didn't.  
26 MR. SHERMAN: I have nothing further.  
27 MR. BENEDICT: I am not going to complete before

00110

01 1:00 o'clock, Your Honor.  
02 THE COURT: It's about three minutes to one. We  
03 will take the luncheon recess now until 2:00 o'clock.  
04 (Whereupon, the luncheon recess was taken.)  
05 THE COURT: We are back on the record in the  
06 matter of Michael Skakel. The same parties are  
07 present. Do you wish to proceed or do you wish to  
08 wait?  
09 MR. BENEDICT: I will proceed.  
10 CROSS EXAMINATION BY MR. BENEDICT:  
11 Q Mrs. Peterson, Jonathan Benedict, United States  
12 Attorney.  
13 You indicated you are presently living in Key  
14 West?  
15 A Yes, sir.  
16 Q And, you have been down there for about three  
17 years?  
18 A Yes, sir.  
19 Q And, you had not seen Michael Skakel from the time  
20 you left Elan until you saw him in Key West?  
21 A Yes, sir.  
22 Q And, apparently, correct me if I am wrong, I get  
23 the drift that Mr. Sherman and Mr. Skakel came to see you  
24 at Key West sometime since you moved down there?  
25 A Yes. After I wrote a letter to Mickey, they came  
26 down to talk with me.  
27 Q And, that was about when, approximately how long

00111

01 ago?  
02 A Two or three months.  
03 Q And, what generated your writing the letter to Mr.  
04 Sherman was that you heard about it either through reading  
05 or hearing or seeing in the media the fact of Mr. Skakel's  
06 arrest; is that correct?  
07 A Yes, sir.  
08 Q Were you aware prior to learning of his arrest  
09 that there had been a Grand Jury investigating this case?  
10 A No, sir.  
11 Q You had no knowledge of that?  
12 A No, sir.  
13 Q Did it occur to you to contact my office --  
14 withdrawn.  
15 You have indicated in your testimony here today  
16 that I must have the wrong guy or the State must have the

17 wrong guy. That's your opinion; correct?  
18 A Yes.  
19 Q Did it occur to you at any time to contact my  
20 office and share with us the information you bring before  
21 us today?  
22 A Not really.  
23 Q Did you think we wouldn't listen to you?  
24 A Not at all. I had already talked to Mickey and I  
25 felt like I had let somebody know the knowledge that I had.  
26 Q You also indicated that -- well, you came up here,  
27 you flew in yesterday?

00112

01 A Yes.  
02 Q And, you met with Mr. Sherman at his office?  
03 A This morning.  
04 Q This morning, okay. And, also there was Ms.  
05 Freehill?  
06 A No.  
07 Q She was not there?  
08 A No, she was not.  
09 Q A young woman whose maiden name was Hawkins, a  
10 young blond woman, was she in Mr. Sherman's office?  
11 A Yes. Angela was there.  
12 Q And, Angela Dunn, who was a former staff member?  
13 A She was there, yes, and the other lady that was  
14 there was Kim, which was Alice's friend.  
15 Q Kim?  
16 A Yes, but it is not Kim Freehill. It is Kim who  
17 is Alice's friend who came down with her.  
18 Q Came with Alice, okay.  
19 A As far as I know.  
20 Q As far as you know, she is not appearing here, she  
21 just accompanied Alice down here?  
22 A Exactly.  
23 Q You testified that your admission or arrival at  
24 Elan occurred very shortly after this general meeting?  
25 A Yes, sir.  
26 Q You were not present at the general meeting?  
27 A No, I was not.

00113

01 Q But, you learned of the general meeting somehow?  
02 A Everything at Elan was general knowledge. It was  
03 discussed openly in groups, in other meetings, in house  
04 meetings and all sorts.  
05 Q So, when you got there, you very quickly knew that  
06 there had been a general meeting in which Michael Skakel  
07 was the person who was focused on and the subject of his  
08 involvement in the murder was the subject, was the focus of  
09 the meeting?  
10 A I became aware of that very shortly because he had  
11 to stand up several times a day and read the sign to the  
12 house and, thus, I asked somebody who told me.  
13 Q So, you did not arrive at Elan until after the  
14 general meeting?  
15 A Exactly.  
16 Q Did you become aware after your arrival from the  
17 scuttlebutt in the school that he had just been brought

18 back from an escaped status just a few days before the  
19 general meeting. Did you know that?

20 A Yes, I did.

21 Q But, of course, you were not present at Elan at  
22 the time of his being brought back?

23 A No, I was not.

24 Q So, if there was a three day or so thereabouts  
25 interval between him being brought back to Elan and being  
26 placed before this general meeting, you have no personal  
27 knowledge of that?

00114

01 A I have no idea.

02 Q You spent your time at Elan as a resident of Elan  
03 three or eight or --

04 A Three.

05 Q You were at Elan three?

06 A Yes, with Michael.

07 Q And, at Elan three, being a woman, you slept in  
08 the women's dorm?

09 A Yes, I did.

10 Q And, that was on the second floor of the main Elan  
11 three building?

12 A Yes, it was.

13 Q And, the men slept in the separate men's  
14 dormitories?

15 A Yes, it was down a path.

16 Q Did you ever serve as a night owl?

17 A Yes.

18 Q And --

19 A Actually they called it a night woman in the  
20 women's door.

21 Q The guys were night owls and the women were --

22 A There you have it.

23 Q Your duties as serving as a night owl was to make  
24 sure everybody was in bed?

25 A You would do a head count every few minutes. The  
26 night man who would go between the two dorms would come by  
27 and take your count.

00115

01 Q I mean, in the course of your occasions to serve  
02 as a night owl, did you ever come upon a -- well,  
03 withdrawn. Did you ever have trouble sleeping at Elan?

04 A I always had trouble sleeping at Elan.

05 Q If you were having trouble sleeping, did you stay  
06 in your bed or would you go out and walk around on any  
07 occasion?

08 A That wasn't allowed.

09 Q So, you never got out of bed and sat down and shot  
10 the bull with anybody else in the facility; is that  
11 correct?

12 A It wasn't something that was acceptable unless you  
13 were in the higher echelon of the program and then usually  
14 you wouldn't be talking with the night woman or night owl,  
15 you would be talking with one of the people who were under  
16 you or who were having personal problems. You tried to  
17 get whatever sleep you can.

18 Q Did you ever talk to anybody one on one about



19 personal problems while you were at Elan?

20 A Hundreds and hundreds of times.

21 Q Do you think every one of those occasions was  
22 reported to some supervisor?

23 A I believe that I reported anything that I felt was  
24 relevant and not known to the staff.

25 Q You were about how old when you went to Elan?

26 A I was 16, a month from being 17.

27 Q You testified nobody ever confessed to you about  
00116

01 committing a crime so grievous as murder while you were at  
02 Elan; is that correct?

03 A Nobody said that they killed somebody while I was  
04 at Elan.

05 Q Or any other serious crime, did anybody ever  
06 report having committed any other serious crime to you?

07 A Not to me personally, no.

08 Q The whole time you were at Elan, did anybody ever  
09 open up to you that they had committed some crime before  
10 they were placed in that school?

11 A Yes, but it was generally, as my recollection  
12 allows me, it was people who were charged with those crimes  
13 and sent to Elan for those crimes who would generally  
14 discuss those crimes.

15 Q Those were the people who had actually gone  
16 through the Court system and were placed as a result of  
17 Court proceedings at Elan?

18 A Exactly.

19 Q Apparently nobody, while you were at Elan, ever  
20 confided in you as to their having committed any crime for  
21 which they had not yet been arrested?

22 A No.

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

25 REDIRECT EXAMINATION BY MR. SHERMAN:

26 Q Had someone confided in you about a crime that  
27 they had committed but had not as yet been arrested for,

00117

01 would you have reported that?

02 A Immediately.

03 Q Why?

04 A The main way we were taught at Elan was the  
05 technique of peer pressure and teaching people to change  
06 their behaviors. And, part of that was ingrained in you  
07 or sometimes beaten into you depending on how stubborn you  
08 might be was that you must report and tell. If not it was  
09 called holding guilt and to hold guilt meant that the  
10 program meant nothing to you and you never achieved  
11 anything out of it. So, I would have always told.

12 Q And, you believed in the program?

13 A I believed in the program for part of the time I  
14 was there.

15 Q Were you in fact programed to believe in the  
16 program?

17 A Very much so. In fact, during my later months  
18 there, I actually went out and talked to the public about  
19 the benefits of Elan.

20 Q And, would it make a difference if the person who  
21 confided in you was a close friend or a slight  
22 acquaintance, would you still turn them in?  
23 A Yes, I would have.  
24 Q No matter what?  
25 A Yes, I would have.  
26 Q Because you believe that would help them?  
27 A Yes, I would have.

00118  
01 Q Now, Mr. Benedict asked you why did you contact  
02 me, why didn't you contact him?  
03 A I contacted you because when I first heard about  
04 him being arrested, the first name that came up was that  
05 you were his lawyer and I just immediately went to you.  
06 Q So, you didn't contact anybody until you found out  
07 he was arrested?  
08 A Exactly.  
09 Q So, you didn't appear before the Grand Jury;  
10 correct?  
11 A No.  
12 Q Nobody asked you to?  
13 A No.  
14 Q And, did you ever suspect that Michael Skakel was  
15 actually going to get arrested for this?  
16 A No.  
17 Q Why?  
18 A Because I didn't think he did it.  
19 MR. SHERMAN: Nothing further.  
20 MR. BENEDICT: I have no questions.  
21 THE COURT: Thank you.  
22 THE WITNESS: Thank you.  
23 MR. SHERMAN: Could she go out this way so I can  
24 speak to her very briefly? We have another witness  
25 coming in but she was just leaving and I wanted to speak  
26 with her.  
27 THE COURT: All right.

00119  
01 MR. SHERMAN: I will call Bernadette Coomaraswamy.  
02 BERNADETTE COOMARASWAMY,  
03 having been first duly sworn, testified as follows:  
04 THE CLERK: Please have a seat and state your name  
05 and address for the record, Ma'am.  
06 THE WITNESS: Bernadette Coomaraswamy, 640 Nod  
07 Hill Road, Wilton, Connecticut.  
08 THE COURT: Spell your last name.  
09 THE WITNESS: C-O-O-M-A-R-A-S-W-A-M-Y.  
10 THE COURT: Thank you. Attorney Sherman, you may  
11 proceed.  
12 MR. SHERMAN: Thank you, Your Honor.  
13 DIRECT EXAMINATION BY MR. SHERMAN:  
14 Q Mrs. Coomaraswamy, what do you do for a living?  
15 A I am an attorney with a small private practice.  
16 I am a magistrate, state trial attorney and a fact finder,  
17 excetera.  
18 Q What is a magistrate of the State of Connecticut?  
19 A A magistrate is a non-judicial officer appointed  
20 to hear matters in Housing Court and Small Claims Court.

21 That's about it.  
22 Q Like one notch lower than a regular judge?  
23 A Several notches.  
24 Q And, when is the last time you served as a  
25 magistrate?  
26 A This morning.  
27 Q Where did you sit?

00120

01 A In Norwalk Court, GA 20.  
02 Q And, you heard cases?  
03 A I did.  
04 Q Could you give us a brief run down of your  
05 educational background?  
06 A Watertown High School, Boston University  
07 undergraduate, Boston University graduate, teaching  
08 assistant at Boston University for about three years,  
09 Fordham Law School. I have had one term at Oxford  
10 University in England, in philosophy, politics and  
11 economics and that's about it.  
12 Q And, did you also get a masters of education?  
13 A Oh, yes. Oh, yes, I got a masters of education in  
14 statistics and measurement.  
15 Q And, was that at Boston University?  
16 A It is.  
17 Q And, work wise, where did you start work?  
18 A I worked for Roy Cohen in Sachs, Baycon & O'Shea  
19 and was on duty when the Arizona case came down in 1966.  
20 I was the lowest in the ladder. I was a mere clerk but he  
21 had an assistant attorney general in the U.S. Attorney's  
22 Office that helped us open the floodgates of the prisons, I  
23 would say.  
24 Q This is miranda, we are talking about?  
25 A Yes.  
26 Q And, after Mr. Cohen's office, where did you go?  
27 A I became a teacher. I taught at a community

00121

01 college, both in psychology and business law.  
02 Q And, did you come to practice law in the State of  
03 Connecticut?  
04 A Yes.  
05 Q And, was that in 1960?  
06 A Yes. No.  
07 Q I am sorry, when was that?  
08 A In --  
09 MR. BENEDICT: We are not going to hold Mrs.  
10 Coomaraswamy to it.  
11 THE WITNESS: I guess it's the late sixties. I  
12 really -- yes, around 1968. I took ten years off to  
13 raise a family.  
14 BY MR. SHERMAN:  
15 Q And, at some point, you became active in the  
16 juvenile justice system; did you not?  
17 A Yes.  
18 Q And, how did that occur and what did you do?  
19 A I had the misfortune to go into Maggie Driscoll's  
20 Courtroom.  
21 Q Maggie Driscoll was whom?

22 A I am sorry, the Honorable Judge Driscoll and I was  
23 only there to represent a family. And she impressed me so  
24 that I thought instead of being a criminal attorney,  
25 attorney for criminals in Augustus, I would go into  
26 juvenile justice because she convinced me, well --

27 Q How deep did you jump into the juvenile justice  
00122

01 system?

02 A Very.

03 Q Like what, what did you do?

04 A In the early seventies, I practiced almost  
05 exclusively in the Stamford Juvenile Court in representing  
06 both -- as a public defender first representing abused and  
07 neglected children. Then when they found out about my, I  
08 guess the background in criminal law, I was used  
09 extensively in criminal justice in the delinquency division  
10 of the law.

11 Q Did you form any -- were you instrumental in the  
12 forming of any organizations designed to promote the  
13 juvenile justice system?

14 A With Judge Bingham, Walter Flaherty, Paul Briburg  
15 and I am leaving someone out, I think, maybe Jimmy  
16 Rappaport, we formed an association of Juvenile Court  
17 lawyers to keep the standard of practice high in the  
18 Juvenile Court so that we would give the children the best  
19 representation and the highest sense of professional  
20 excellency.

21 Q At some point did you become a Court Advocate?

22 A Yes. That was before they hired a full-time Court  
23 Advocate and I can't remember the years it was so long ago.

24 Q And, what is the Court Advocate?

25 A It is the prosecutor.

26 Q Were you the prosecutor in the Juvenile Court?

27 A With three others.

00123

01 Q And, for how long was that?

02 A I would say until Joanne Goldberg took the job so  
03 maybe that was four or five years.

04 Q And, roughly, what would the time period be?

05 A 1973 to 1978, perhaps.

06 Q So, oddly enough, you would have been the Juvenile  
07 Court prosecutor had Michael Skakel been arrested at the  
08 time of this event?

09 A Yes. We had homicides and I did have one.

10 Q So, you are familiar with the transfer procedure?

11 A No, because we had a probable cause hearing and it  
12 was broken down to negligent, what did we call it in those  
13 days, negligent homicide, criminally negligent.

14 Q Now, are you active at all in any other civic  
15 organizations right now?

16 A Yes, I became active as a result of being in  
17 Juvenile Court because I realized that the Court  
18 effectively was limited by kind of a neglect of community  
19 involvement. You see, the concept of the Juvenile Court  
20 in those days was different probably than it is now but it  
21 was early detection of children at risk and the labeling,  
22 if you could, the prediction of who would really be at risk

23 and then the delivering of treatment. Well, that was  
24 fine. We used to send them to Yale and have some great  
25 studies but we didn't have any facilities for the treatment  
26 orders that they gave us. So, I became active in anyplace  
27 that would have me. The United Way, I was on the board of  
00124

01 directors there. The Child Guidance Clinic of Stamford, I  
02 was a consultant to the family center and we started a  
03 child protection team in Greenwich which is still going  
04 on. We haven't run out of neglected children.

05 Q Were you instrumental in founding the Greenwich  
06 Youth Shelter?

07 A Yes.

08 Q And, have you sat on the board of the Stamford  
09 Child Guidance Clinic?

10 A Yes.

11 Q Were you the coordinator of the Greenwich Child  
12 Protection Team from its inception in 1980 to present?

13 A Yes.

14 Q And, did you serve on the advisory committee to  
15 the Connecticut Bar Association on the Juvenile Justice  
16 Committee?

17 A Under Shirley Bysowitz (ph), yes, Professor  
18 Bysowitz.

19 Q Clearly, you practice law and you also serve as a  
20 magistrate?

21 A Yes.

22 Q Now, do you know Michael Skakel?

23 A Yes.

24 Q How long have you known Michael Skakel?

25 A Well, technically, before he was born. I met his  
26 mother in 1959 but I didn't really meet Michael face to  
27 face until he was about 12, I would say.

00125

01 Q Did you ever have occasion to ask him to speak to  
02 the New England Consortium of Family and Youth?

03 A Yes.

04 Q Tell us about that?

05 A Michael was a -- was a very sensitive person to a  
06 lot of ills that were inflicting our children, drugs,  
07 alcohol and he had gone through a great deal and at the  
08 time I knew him he had become quite a concerned and  
09 compassionate and knowledgeable person. And, I felt that  
10 many --

11 MR. BENEDICT: At this point, we are going to  
12 object on relevance.

13 MR. SHERMAN: I am going to claim it, Your Honor,  
14 because the issue I am going to be speaking to is 17-60  
15 A of the statute which we are dealing with and we are  
16 talking about rehabilitation and we are talking about  
17 whether or not this young man is amenable to  
18 rehabilitation. Here we have clearly, clearly not only  
19 an expert in this field and in the juvenile field but  
20 also someone in it who is familiar with Michael Skakel.

21 THE COURT: 17-60 A, which section are you  
22 referring to?

23 MR. SHERMAN: Transfer section, Your Honor.

24 THE COURT: Which section of 17-60 A are you  
25 referring to?

26 MR. SHERMAN: Certainly three, the safety of the  
27 community requires that the child continue under  
00126

01 restraint for a period extending beyond his majority.  
02 Certainly this statement at least speaks to that.

03 THE COURT: Okay.

04 MR. SHERMAN: And, whether or not he has been  
05 rehabilitated even should the Court find that number one  
06 has been satisfied.

07 THE COURT: And, the Court under that statute  
08 needs to find, number one, that there is reasonable  
09 cause to believe that the child has committed the act  
10 for which he is charged and, two, there is no state  
11 institution designed for the care and treatment of  
12 children to which said Court may commit such child which  
13 is suitable for his care and treatment or the safety of  
14 the community requires --

15 MR. SHERMAN: That's correct, Your Honor.

16 THE COURT: And, the facilities of the Superior  
17 Court provide a more effective setting for disposition  
18 of the case and the institutions to which said Court may  
19 sentence a defendant are more suitable. So, you are  
20 offering this testimony now on --

21 MR. SHERMAN: All three of the latter once, two,  
22 three and four, Your Honor. Two, because it speaks to  
23 whether or not a state institution is suitable for his  
24 care and treatment which he is -- what she is discussing  
25 is whether or not this young man in fact needs care and  
26 treatment.

27 THE COURT: I will overrule the objection. Can  
00127

01 we establish the time period we are talking about here?

02 BY MR. SHERMAN:

03 Q Do you remember the date, roughly, or the year  
04 when you had him speak to the New England Consortium of  
05 Family and Youth?

06 A I can't. I do know that he did the same work  
07 with our child protection team that was about I would think  
08 around 1980.

09 Q 1980, roughly?

10 A Late to 1982.

11 Q And, you selected him to speak?

12 A Well, not only to speak but to attend our meetings  
13 and to sit in on cases to help us in the disposition of  
14 hard core cases that we didn't know what to do next.

15 Q Why would you pick him?

16 A First of all, he was knowledgeable in the  
17 background that these youths maybe came from. But,  
18 secondly, I think he would know all of the, for example, if  
19 we were talking about drugs, he would know the excuse, he  
20 would know the treatment centers, he would know the  
21 approaches which we only academically knew and he had gone  
22 through it the hard way.

23 Q Michael had used drugs and he had used alcohol  
24 extensively?

25 A You know, there are many people who use drugs but  
26 this particular young man was able to -- he had a quality  
27 in that he wanted to help those, he had been through it

00128

01 before. So, to answer your question honestly, it was more  
02 than his knowledge. It was his experience.

03 Q And, also an ability to help others?

04 A Yes.

05 Q And, a desire to help others?

06 A Very much so.

07 Q You didn't have to twist his arm?

08 A No. This is why I was drawn to this particular  
09 child when he was quite young. We have a chapel in our  
10 house and, you know, the kids go in there and he had an  
11 attitude of respect that was difficult to describe. And,  
12 I thought that he wanted an outlet and he did and he used  
13 that outlet. There were policemen on our team and I  
14 thought, you know, how will they insert, they know it from  
15 one side, from enforcement and he will know it from  
16 another, from experience. And, so, yes, Michael helped  
17 us, especially the child protection team. It wasn't a  
18 speech, it was really working on the team.

19 Q Now, you also are from the Belle Haven area;  
20 right?

21 A I was until three years ago.

22 Q So, you grew up -- you lived in the same  
23 neighborhood as Michael?

24 A For 25 years.

25 Q And, you are very very much familiar with the  
26 murder of Martha Moxley?

27 A Yes.

00129

01 Q Weren't you concerned when you would have Michael  
02 speak to your groups that well, maybe I shouldn't have him  
03 because maybe he killed Martha Moxley?

04 MR. BENEDICT: Objection, relevance.

05 THE COURT: How do you claim that as relevant to  
06 what this witness is being presented for?

07 MR. SHERMAN: I would claim it at this time, Your  
08 Honor.

09 BY MR. SHERMAN:

10 Q Were you aware that Michael was ever being accused  
11 of murdering Martha Moxley?

12 A No, I was only aware of other members of the  
13 family who had been accused.

14 Q Was there ever any hesitation on your part to ask  
15 him to become involved in these activities?

16 MR. BENEDICT: Objection.

17 THE COURT: How do you claim that?

18 MR. SHERMAN: Well, I am asking as to why she  
19 would select Michael Skakel. I am not asking whether  
20 or not she believes he is innocent. I am asking  
21 whether or not there was any hesitation on her part to  
22 select Michael.

23 THE COURT: I think she has been quite clear as to  
24 why she selected him. The objection is sustained.

25 BY MR. SHERMAN:

26 Q Can you think of any other activities that you  
27 engaged Michael in towards rehabilitating people?

00130

01 A I didn't do it for rehabilitation but I brought  
02 him to see one of my clients who was active in -- with whom  
03 I worked for many years. And, he seemed to want to give  
04 so much and I brought him down to see her.

05 Q And, who was that?

06 A It was Mother Theresa of Calcutta.

07 Q Mother Theresa, you took it upon yourself to  
08 introduce Michael to Mother Theresa?

09 A Yes.

10 Q Why is that?

11 A I thought it would be good for Michael to give  
12 where we are and I don't think you have to travel all over  
13 the world. And she was here in New York and I thought it  
14 might ignite something in him to work with the people in  
15 the Bronx or to work wherever he is. You don't have to go  
16 to Africa.

17 Q Did it work out well?

18 A I don't know because I introduced many people to  
19 mother and I just don't follow up on it. I don't know  
20 what they did.

21 Q Were you proud to introduce him to her?

22 A Was I what, please?

23 Q Were you proud to introduce him to Mother Theresa?

24 MR. BENEDICT: Objection, irrelevant.

25 THE COURT: Objection sustained.

26 BY MR. SHERMAN:

27 Q Now, with respect to whether or not Michael Skakel  
00131

01 needs rehabilitation, you are someone who is particularly  
02 knowledgable in Juvenile Court, in the judicial system and  
03 the Superior Court as well. You are someone who knows  
04 Michael Skakel. You wear many hats in this case, Mrs.  
05 Coomaraswamy.

06 Do you believe that Michael Skakel as he sits here  
07 is in need of rehabilitation?

08 MR. BENEDICT: Objection, that's the ultimate  
09 question here.

10 MR. SHERMAN: I think she is allowed to state her  
11 opinion, Your Honor. That's exactly what she is here  
12 for. It is up to the Court to give it whatever weight  
13 the Court feels it appropriate.

14 THE COURT: I will sustain the objection to that  
15 particular question.

16 BY MR. SHERMAN:

17 Q Do you see the need for Michael Skakel to undergo  
18 further rehabilitation based upon your knowledge of him?

19 A No.

20 Q Do you believe that Michael Skakel is a danger to  
21 the community?

22 A No.

23 Q Do you believe that Michael Skakel has ever been a  
24 danger to the community?

25 A As far as I know, no.

26 Q Any hesitation on that, Mrs. Coomaraswamy?



27 A Well, because I didn't know him -- I knew him as a  
00132

01 child and I knew him during the years of his teenship and I  
02 unhesitatingly say that I have the greatest belief in  
03 him. But, I have taken an oath to tell the truth and  
04 there are certain things that nobody can know about another  
05 human being.

06 Q Of course.

07 A And, to the best of my knowledge, to answer your  
08 question, I don't think he is a menace and I don't think he  
09 is in need of rehabilitation. Now, was he ever a menace,  
10 I don't believe so. But, as you know, the basis upon that  
11 belief would be a 24 hour surveillance which I don't think  
12 anyone has had of Michael Skakel.

13 Q Let's put a time frame on it. Since 1980, do you  
14 believe he has ever been a danger to the community?

15 A No.

16 Q You feel very comfortable about saying that?

17 A I do.

18 MR. SHERMAN: If I may have a minute?

19 THE COURT: Yes.

20 MR. SHERMAN: Excuse me, Your Honor, I will be  
21 very brief.

22 (Brief pause.)

23 MR. SHERMAN: Nothing further, thank you very  
24 much.

25 THE COURT: Attorney Benedict.

26 MR. BENEDICT: Just a few questions.

27 CROSS EXAMINATION BY MR. BENEDICT:  
00133

01 Q Ma'am, would it be fair to say that the reason you  
02 appealed to Mr. Skakel to participate in programs you were  
03 involved with in the early 1980s was because you knew that  
04 he had been through -- he spent an extensive amount of time  
05 in rehabilitation?

06 A Yes, I visited him once when he was in one of  
07 those --

08 Q Was it by any chance the one up in, out there in  
09 Maine in the middle of no where?

10 A It was, yes. We were reading each other.

11 Q Is that it?

12 A It was at Elan.

13 Q When you were up there, did you go up with any  
14 family members?

15 A No, I went up officially. I was Court Advocate  
16 in those days and I went up with Mr. Patlan (ph) who was  
17 the probation officer.

18 Q He is still here.

19 A Thank goodness and with the rest of the Juvenile  
20 Court personnel.

21 Q In 1975 -- well, you have children. They are  
22 grown now; is that correct?

23 A Yes, six.

24 Q And, what is the age range of your children today?

25 A Well, today, the youngest is 33, and the oldest is  
26 40.

27 Q And, you have how many children?

00134

01 A Six.

02 Q So, you lived very nearby the Skakel's; is that  
03 correct?

04 A We did, yes.

05 Q Your children were roughly contemporaries of the  
06 Skakel children; is that correct?

07 A Several of them were contemporaries, yes.

08 Q What kind of a relationship did you have with  
09 Michael Skakel in 1975?

10 A He was a frequent person that came in and out of  
11 the house like everyone else. He was in the  
12 neighborhood. Let's see, 1975, you say?

13 Q Yes.

14 A That would be when he was about 15.

15 Q 15, right. That would be around the time of this  
16 unfortunate murder of your neighbor.

17 A They went away quite a bit to Windom (ph) -- it  
18 was not a day by day basis. I was much more familiar with  
19 other children in the neighborhood.

20 Q Do you recall offhand whether, following the  
21 tragic murder of your neighbor, whether Michael was around  
22 the neighborhood less often than he was before, spending  
23 time away at school or in rehab or anything like that?

24 A Well, I was shocked to learn that he was in Elan  
25 but that was much later.

26 Q How about in between the murder of Ms. Moxley and  
27 your learning that he was at Elan, do you recall whether he

00135

01 was living at home most of the time then or away?

02 A I don't recall.

03 Q Ma'am, you have given an opinion that you don't  
04 believe that Mr. Skakel is in need of any rehabilitation  
05 today. Is that opinion based upon the assumption that he  
06 did not murder that young lady?

07 A No.

08 MR. BENEDICT: I have no further questions.

09 REDIRECT EXAMINATION BY MR. SHERMAN:

10 Q Mrs. Coomaraswamy, that's a very tough no and I am  
11 not taking issue with it, I am appreciating it. What you  
12 are telling us is that even if Michael Skakel did murder  
13 Martha Moxley, even if he did, you still don't believe he  
14 is in need of rehabilitation. Is that what you are  
15 telling us?

16 A Even if he did, yes. But, you didn't ask me the  
17 other question.

18 MR. BENEDICT: Objection.

19 THE WITNESS: That's all right.

20 MR. SHERMAN: I will ask you that other  
21 question. Tell me what it should be.

22 MR. BENEDICT: I would like to hear Mr. Sherman  
23 ask it.

24 BY MR. SHERMAN:

25 Q Do you believe he killed Martha Moxley?

26 A No.

27 Q You do not. But, you would actually go so far as

00136

01 to say that even if he did, which you don't believe, he  
02 still doesn't need rehabilitation?  
03 A Yes, that is correct.  
04 Q Now, you are, again, I say you are one notch lower  
05 than a judge, not several, isn't that a difficult statement  
06 for you to make here?  
07 A Very.  
08 Q Why would you make it?  
09 A Because I believe in an oath.  
10 Q You actually visited Michael at Elan?  
11 A I did.  
12 Q You didn't go up as his neighbor, his friend?  
13 A Well, that was a mixed motive. When I had the  
14 opportunity --  
15 Q You went up with Mr. Patlan who sits here?  
16 A I did.  
17 Q Were you like as fact finders or whatever, you  
18 tell me?  
19 A Yes. Well, we have sent several of our little  
20 clients up there and I was unsettled about it because of  
21 what I had read and because it was one of the only  
22 installations that I had never visited, making a  
23 disposition to or an argument for a disposition to a place  
24 that we had never visited. But, when I went up there, I  
25 have to tell you, I never again, ever recommended a  
26 disposition to Elan. But, my mixed motive was I did want  
27 to see Michael.

00137

01 Q Did you see Michael?  
02 A I did.  
03 Q And, what was it like? How was -- what was his  
04 demeanor up there? How was he getting along?  
05 A We didn't see each other very long.  
06 MR. BENEDICT: Objection, relevance.  
07 MR. SHERMAN: He brought it up. I did not bring  
08 up her visit to Elan. It was the State's inquiry, not  
09 mine. She opened the door.  
10 THE COURT: Objection to this question, how was he  
11 at Elan or what was his demeanor, how do you claim that  
12 as relevant to these proceedings?  
13 MR. SHERMAN: She is talking about his  
14 rehabilitative efforts, Your Honor, which is germane to  
15 this issue and I would like to know what her opinion was  
16 of his rehabilitative status, how far along he was when  
17 she visited him in the program. She is the only  
18 non-Elan person who has testified.  
19 THE COURT: Do we know when this was?  
20 BY MR. SHERMAN:  
21 Q Do you know when this was, roughly?  
22 THE COURT: And, I will overrule the objection to  
23 the other question.  
24 THE WITNESS: I think it would be between 1976  
25 and 1978.  
26 BY MR. SHERMAN:  
27 Q Could it have been as late as 1979?

00138

01 A It might have been, yes.

02 Q What did you observe about his character,  
03 demeanor, at that time?

04 A I saw him only a minute because I had asked the  
05 director of the house where we were visiting if I could see  
06 Michael Skakel and he was very reticent to let me do  
07 that. He said he was at the dentist and then Michael ran  
08 -- as Michael walked by. And so Michael and I talked  
09 briefly. And it was so good to see him but I thought he  
10 looked -- he looked very done in. He looked very tired.

11 MR. SHERMAN: Thank you, I have nothing  
12 further. Thank you very much.

13 MR. BENEDICT: I have no questions.

14 THE COURT: Thank you.

15 THE WITNESS: Thank you.

16 MR. SHERMAN: We rest, Your Honor.

17 THE COURT: Why don't we take about a 15 minute  
18 recess. Do counsel wish to do final argument? The  
19 Court would need to make written findings and I would  
20 not be able to complete those today but I don't know  
21 whether counsel would prefer to make final argument  
22 orally or do that in writing.

23 MR. BENEDICT: We can make an oral statement  
24 today.

25 MR. SHERMAN: I agree. We discussed this, Your  
26 Honor.

27 THE COURT: All right; take a 15 minute recess,

00139

01 then. Thank you.

02 (Whereupon, a brief recess was taken.)

03 THE COURT: We are back on the record and the same  
04 parties and counsel are present as previously  
05 identified. Attorney Benedict.

06 MR. BENEDICT: Thank you, Your Honor. Your  
07 Honor, I don't know how you want these arguments  
08 structured. I perceive that it is not a Jury  
09 argument. I will basically say as little as possible  
10 to start with and give all of my points to the Court now  
11 and I would ask for some opportunity to respond if there  
12 are any issues that Mr. Sherman raises that I haven't  
13 been able to address.

14 THE COURT: Certainly.

15 MR. BENEDICT: As the State perceives it, transfer  
16 act 17-60 A presents a four prong test, sort of. The  
17 test requires a demonstration to the Court of a number  
18 of things.

19 First of all, reasonable cause is the  
20 measure here which is an unusual term in our law  
21 somewhat but I do not think it is a particularly onerous  
22 term. It certainly doesn't present an onerous hurdle  
23 for the State to pass here.

24 The first issue, of course, is for the Court  
25 to believe that the defendant committed the crime of  
26 murder. Of course, the crime of murder is defined with  
27 intent to cause death, in fact caused the victim's death

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01 and the State has submitted the autopsy report, the  
02 autopsy photos, the crime scene photos, the golf club.

03 I don't think it is particularly necessary to go at any  
04 length on the issue of was the crime of murder  
05 committed. We presented evidence of the nature of  
06 conduct, the implement and the manner in which it was  
07 used and the fact is it is really pretty clear here that  
08 the bone of contention, so to speak, is who did it if it  
09 wasn't Michael Skakel.

10 Evidence was presented from a number of  
11 witnesses about Elan, what exactly is or was Elan back  
12 in 1978 or thereabouts. It seems to be, from witnesses  
13 we heard today as well as witnesses we heard last week,  
14 a place where a parent might well resort if they could  
15 afford it to send a teenager who had the parent  
16 literally tearing their hair out. We heard that from  
17 one or two witnesses today. You heard Gregory Coleman  
18 testify that he had been expelled from a prep school for  
19 theft. John Higgins testified that his stepfather  
20 wanted to get rid of him. Michael Skakel, we don't  
21 have any specific information of what landed him in Elan  
22 but I would submit that his involvement or suspected  
23 involvement in a brutal murder would certainly suffice  
24 as a very good reason to place him out of harm's way for  
25 a period of time.

26 The State also presented evidence of the  
27 golf club and it is important evidence here. But to say

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01 who specifically had his hands on the golf club on the  
02 night of the crime, it is important for the Court to  
03 know that the golf club indubatively came from the  
04 Skakel home and most telling evidence was shown that the  
05 missing part of the golf club, the most significant  
06 part, is the part that would have had the Skakel name on  
07 it. That would indicate clearly that someone  
08 associated with the Skakel household would have been the  
09 person who wielded the golf club on the night of the  
10 crime.

11 The State also presented testimony of John  
12 Higgins and Gregory Coleman who testified, they both  
13 related to the Court conversations that took place some  
14 22 years ago, that they had no reason to bring back up  
15 for purposes of their memory until some 20 years or so  
16 had past. Clearly, their recall is somewhat sketchy.  
17 Clearly, some of that recall does not match all of the  
18 discernable facts from the crime scene. Higgins  
19 recalled it was a garage that the defendant told him he  
20 took the golf club from. It turns out there was no  
21 garage, rather it was actually a shed. A shed did  
22 exist adjacent to the Skakel driveway but that's what  
23 happens when a person's recall is filtered by 20 years  
24 in time.

25 I think we kind of got the gist of that when  
26 Mrs. Coomaraswamy, I hope I pronounced that right,  
27 testified today. She was unclear about exactly when

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01 she did things. On the other hand, who knows what term  
02 the defendant used when he had that dormitory step  
03 conversation with Mr. Higgins, whether he used the word

04 shed or garage or whatever. It was interesting to find  
05 out from Andy Pugh when he testified that there was a  
06 structure in place in 1975 next to the driveway and that  
07 things that were kept in it included sporting equipment.

08 Gregory Coleman, the defendant having said  
09 to him or having concluded from what the defendant said  
10 to him that the defendant admitted, I think the word was  
11 crushing the victim's skull with a driver rather than an  
12 iron type of golf club. Mr. Coleman also seems to be  
13 at odds with discernable facts in his recall being that  
14 Mr. Skakel told him that he went back and masturbated  
15 over the victim's body a couple of days later. Again,  
16 that's what happens to recall when it is filtered by 20  
17 years of time.

18 I submit, though, that the bottom line here  
19 is that Mr. Higgins recalls that Mr. Skakel related to  
20 him on the dormitory steps that Mr. Skakel went and got  
21 a golf club out of some structure on the property, a  
22 golf club being the murder weapon in this case and the  
23 defendant also recalled in the course of that  
24 conversation with Mr. Higgins having been in a wooded  
25 area and looking up and seeing tall pine trees which is  
26 a description of the crime seen in this particular  
27 case. Thus whether or not looking only at the

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01 testimony of Mr. Higgins, the defendant actually ever  
02 did fully acknowledge his complicity in this crime to  
03 Mr. Higgins, the defendant did indeed admit both his  
04 presence at the crime scene on the night of the crime as  
05 well as his possession of the murder weapon on the night  
06 of the crime. I would submit that in and of itself  
07 that is reasonable cause.

08 However, Gregory Coleman also testified that  
09 the defendant admitted to him murdering the victim with  
10 a golf club once again. And again, Mr. Coleman recalled  
11 the defendant relating to him that he recalled himself  
12 being again in a wooded area again on the night of the  
13 crime. He also mentioned masturbating which is notably  
14 interestingly almost 20 years before Andy Pugh ever had  
15 a conversation with the defendant about this crime.

16 Andy Pugh also testified the defendant told  
17 him he had been masturbating in what I submit is an  
18 extremely interesting context. It was now the 1990s,  
19 the early 1990s. A private investigating firm named  
20 Sutton Associates had been retained by the Skakel family  
21 to investigate this matter on behalf of the Skakel  
22 family. I submit that it is hardly far fetched to draw  
23 the connection between the sudden, in the early  
24 nineties, appearance of some private investigators, the  
25 development by the early '90s of DNA technology over the  
26 intervening years. And Chief Keegan testified as to  
27 that in the course of his testimony. And then in

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01 addition to that, Mr. Skakel's admission over the  
02 telephone, oh, by the way, I masturbated up in the tree  
03 the night of the crime. Again, I think the bottom line  
04 with Mr. Pugh is the defendant admitted his presence at

05 the crime scene on the night of the crime.

06 As strenuously as counsel cross-examined  
07 just about each of those three witnesses, I submit that  
08 the evidence really divulges no reason for any of those  
09 three people to have come -- to have even gotten  
10 involved with this tragic matter let alone to have any  
11 reason or cause to fabricate testimony before this  
12 Court. I submit that based on their testimony, the  
13 defendant's identity of the murder of Martha Moxley is  
14 demonstrated clearly.

15 However, the Court heard other evidence  
16 today. Today the Court heard testimony that the  
17 defendant never admitted anything to certain former  
18 students at Elan. You also heard testimony from Alice  
19 Dunn that she was not the person who ran the primal  
20 scream group that was described by Gregory Coleman.  
21 That the defendant refuted complicity in the murder,  
22 while admissible before a Juvenile Court, I submit is  
23 the weakest form of information. The State clearly was  
24 deprived of any opportunity to confront it with  
25 cross-examination of the defendant and certainly and I  
26 think it is notable in terms of the issue before the  
27 Court and for the Court to understand that that is not

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01 information that would be admissible under the rules of  
02 evidence were this matter transferred to adult Court.

03 As to the evidence sought to put the -- the  
04 defense evidence sought to refute today was the  
05 occurrence of private contacts, Mr. Higgins, Mr. Coleman  
06 and I suppose Mr. Pugh. But no one has suggested that  
07 Mr. Skakel made private admissions to all two hundred  
08 residents at Elan back in 1978, that he did not make  
09 some admissions to some of the people there hardly  
10 refutes the fact that he made admissions to others,  
11 especially when the Court looks to the context in which  
12 these questions of various witnesses arose.

13 That Alice Dunn does not recall being  
14 present at that particular primal scream session that  
15 Mr. Coleman testified about does not really refute Mr.  
16 Coleman. I think if you review Mr. Coleman's  
17 testimony, he thinks it was Alice Dunn. He is not sure  
18 it was Alice Dunn. Looking back 22 years, he can only  
19 surmise it was maybe or probably Alice Dunn. You heard  
20 from Alice Dunn today that she only recalled ever being  
21 present in one primal scream session with Mr. Skakel  
22 although she was present at numerous others. But her  
23 idea of primal scream sessions, she didn't like it and  
24 she avoided them like the plague every chance that she  
25 could.

26 I think what is important to note is the  
27 differing circumstances. The defense witnesses who

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01 testified today, Elan witnesses, were all women. I  
02 think it's hardly likely to believe that the defendant  
03 would open up to a 16 year old girl or 15 or 17 year old  
04 girl and say hey, I killed a 15 year old girl. And,  
05 again, most of the context in which they testified, we

06 are talking about non-admissions by the defendant before  
07 a large body of people which is an entirely different  
08 type of circumstance than that which the State  
09 presented.

10 The State presented, first of all, the  
11 defendant was up on a sleepless night with John Higgins  
12 who was serving as a night owl and secondly, as far as  
13 Mr. Coleman goes, the State presented evidence that the  
14 defendant had just immediately been returned from escape  
15 status and placed under guard, the guard of Gregory  
16 Coleman. It would appear that both of those  
17 conversations took place before Mr. Skakel was ever  
18 placed in that group meeting of two hundred or so people  
19 and the subject of his involvement in the murder became  
20 common knowledge. I say that because it is very clear  
21 from Mr. Coleman's testimony especially when put  
22 together with Alice Dunn's testimony of this morning and  
23 it is rather clear also from Mr. Higgins' testimony  
24 because Mr. Higgins' testimony is that he knew  
25 absolutely nothing about Mr. Skakel's involvement in the  
26 murder until he sat down with him on the steps that  
27 particular night. As we well know, that by the night

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01 of the two hundred person general meeting, everybody in  
02 the place knew about it and was talking about it.

03 As to the first issue, the State's burden  
04 here is a minimal one, reasonable cause. The defense  
05 has presented evidence here that is intended to I think  
06 refute that State's evidence. I submit this is not a  
07 proceeding that requires the State to prove the issue  
08 beyond a reasonable doubt. I submit that what the  
09 defense evidence does here is simply raise the point  
10 that the State's evidence will be contested, that we  
11 will have a trial and that is one reason why this matter  
12 should be transferred to adult Court.

13 As I review -- as I read the second, the  
14 entire 17-60 A statute, the State is required also to  
15 satisfy the Court that there is currently no suitable  
16 state institution -- this is item two in the statute --  
17 designed for the care and treatment of a person in the  
18 defendant's circumstances. We presented a witness from  
19 DCF last week. I think it is rather clear, it is almost  
20 a no brainer that DCF, Long Lane, no Connecticut  
21 juvenile institution has any ability to in any way deal  
22 with a 39 or 40 year old man. I would submit that that  
23 should suffice just about all the way for the Court to  
24 be able to make a finding that this matter should be  
25 transferred because section 3 which addresses the issue  
26 of safety is placed by the statute in very clear  
27 language, in very clear disjunctive language. I submit

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01 that the only way to read this is the State certainly  
02 has to prove that there is reasonable cause to believe  
03 the defendant committed the act and I have already made  
04 my points on that. And, secondly, the State has to  
05 prove that there is no state institution designed for  
06 the defendant or the safety of the community requires



07 that he continue under restraint for a period extending  
08 beyond his majority which he clearly has here.

09 I would suggest, therefore, that the State  
10 does not have to satisfy that third prong, however, I  
11 would like to address that third prong anyway. The  
12 safety of the community requires that he continue under  
13 restraint for a period extending beyond his majority.  
14 The State has already produced evidence here that the  
15 defendant, Michael Skakel, in a very brutal fashion  
16 killed an innocent child, thereby committing the crime  
17 of murder. Clearly, the legislature is presumed  
18 whenever it enacts a statute to have done so with in  
19 mind all of the other legislation currently in effect.

20 The DCF, I believe, in 1975 had the ability  
21 to incarcerate an individual for a period of seven  
22 years, the majority being 21. And today my  
23 understanding from testimony of last week is that it is  
24 only four years. Clearly, the juvenile transfer  
25 statute, 17-60 A, the legislature had to envision the  
26 juvenile transfer statute resulting in sentences  
27 exceeding seven years. The statute only permitted at

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01 that time transfer of a person who is charged for  
02 murder. The sentencing laws of 1975 required a  
03 mandatory minimum sentence of ten years with a maximum  
04 sentence of life.

05 Assuming that the Court has found reasonable  
06 cause to believe the defendant committed the crime of  
07 murder, that's the State's most serious criminal  
08 offense. And, by the way, I have forgotten that I  
09 should know this better than most in the Courtroom, that  
10 is today a capital felony. At any rate, any person I  
11 would submit committing such an offense as murder, the  
12 intentional causing of death of an individual, an adult  
13 or child or whatever, should be deemed to pose a danger  
14 to the community for that entire person's life. And, I  
15 submit that that's borne out by other criminal  
16 procedural and substantive laws in the State of  
17 Connecticut.

18 First of all, there is no statute of  
19 limitations in Connecticut on the crime of murder.  
20 Second of all, the maximum sentence to a charge of  
21 murder that applies to this particular case under the  
22 sentencing statute current in 1975 is a life sentence.  
23 That's the old indefinite sentencing statute we are  
24 talking about that would be closer to a conviction of  
25 murder in an adult Court. Under that old indefinite  
26 sentencing statute, the sentence has to be not less than  
27 ten years nor more than life. In other words, if

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01 sentenced in this case, the defendant would remain on  
02 parole most likely for life or whatever the minimum  
03 sentence was. Clearly from that I would submit the  
04 legislature envisioned the crime of murder was a life  
05 involving crime and, therefore, that's another reason  
06 this matter should be transferred over.

07 It is difficult to believe our legislature

08 in any era, even today or back in the early 1980s, could  
09 have ever intended that a juvenile commit a crime, a  
10 person 14 or 15 years old, not be barred by the crime  
11 under the statute of limitations and then manage to  
12 avoid detection to a point in time where he had already  
13 reached beyond attaining his majority and thereby by  
14 doing that would evade prosecution. I submit that that  
15 is essentially what counsel is going to argue, that Mr.  
16 Skakel has not offended since he was a teenager or at  
17 least there is no record of that here, it is clearly an  
18 appropriate sentencing consideration and one that may or  
19 should be taken up if he is convicted in adult Court  
20 following the transfer of this matter here.

21 The bottom line I submit is in summary,  
22 considering the gravity with which our society has  
23 traditionally viewed the crime of murder as borne out by  
24 the 1971 transfer act, restricted transfer only for the  
25 crime of murder, considering the gravity of the crime  
26 that was committed here, considering the lifetime  
27 sentencing scheme that was in place, put in place by the

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01 legislature that covers the time of this particular  
02 crime, considering the fact that there is reasonable  
03 cause that the defendant has committed the crime of the  
04 murder of Martha Moxley, I submit that the Court has  
05 more than sufficient grounds to find that he poses  
06 sufficient risk to warrant passing this matter onto  
07 adult court.

08 The fourth prong is, Your Honor, the  
09 Superior Court facilities provide a more effective  
10 setting. Clearly, this is what was behind the  
11 enactment of the 1971 act. Murder carries a minimum  
12 ten year sentence, a maximum lifetime sentence at the  
13 appropriate institutions. The appropriate institutions  
14 are only available in this particular case through the  
15 adult court. And, therefore, for those various reasons,  
16 the Court should order this matter transferred to adult  
17 Court.

18 THE COURT: Attorney Sherman.

19 MR. SHERMAN: Yes, Your Honor. I am probably  
20 not going to be as structured as Mr. Benedict but I may  
21 bounce a little bit more around than he does. It is  
22 probably due to my ADD.

23 But, to start at the back of this thing, I  
24 don't think we should be talking about a child. We are  
25 talking about this child. I know this sounds silly but  
26 I think the statute is specific to the person that we  
27 are dealing with. It is not just a generic child.

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01 And, as I said earlier in this proceeding, Your Honor,  
02 or earlier in the Court in another proceeding in this  
03 case, we have a very very rare opportunity to look at  
04 the future. And usually a lawyer gets up and makes a  
05 pitch to a judge that my client is this, my client is  
06 that, he is never going to do something again and I want  
07 you to believe in this, Your Honor, and I want you to  
08 believe that my client is going to lead an exemplary

09 life and he is not going to get in trouble again so  
10 that's why you should give him a suspended sentence or  
11 accelerated rehabilitation or some sort of  
12 rehabilitation program. And we are always here asking  
13 the Court to take a chance on our word that our client  
14 is not going to do anything bad in the future. And  
15 what we base it on is our knowledge of the client, our  
16 hopes that things are going to be better in the future.  
17 Maybe he is in some kind of a program, he is in a better  
18 setting, he has a job and we are either right or we are  
19 wrong.

20 Here, we have the benefit of 25 years of  
21 hindsight. We know, we know that had someone made this  
22 argument for Michael Skakel back in 1975, had he been  
23 arrested back then, had he been convicted back then and  
24 a lawyer stood here and said trust me, my client is  
25 going to be okay, he doesn't need to be transferred  
26 because he doesn't need to be confined beyond his 21st  
27 year, well, it looks like we were right because for 25

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01 years he has led an exemplary life. For 25 years he  
02 hasn't, as Mr. Benedict points out, managed to avoid  
03 detection. He hasn't gone anywhere. All he has been  
04 doing is going home. He has been going to rehab  
05 programs. He has been lecturing at rehab programs. He  
06 has been sober. He has been an exemplary citizen.  
07 Not only has he not committed any crimes, he has a  
08 family life. This is somebody that had he been  
09 convicted then, had he gone to jail then, he would be a  
10 home run now. 25 years later, he is an exemplary  
11 citizen.

12 But, let's go back. Let's go back to the  
13 reasonable cause. And I have never heard a defense  
14 lawyer say it as good as Mr. Benedict says it. Clearly  
15 their recall is somewhat sketchy. Well, that's the  
16 understatement of the century here, somewhat sketchy.  
17 I don't believe that is what the legislature intended in  
18 deciding whether or not someone should be held for trial  
19 in the Superior Court, that reasonable cause should be  
20 found on the basis of someone, witnesses whose recall  
21 is, quote, unquote, somewhat sketchy. I totally buy  
22 into Mr. Benedict's argument. I think he is  
23 extraordinarily candid.

24 And he also goes on to say, of course, their  
25 testimony doesn't match with their Grand Jury  
26 testimony. Well, don't you think it should. I don't  
27 think I am holding them to this ridiculously high

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01 standard to ask them to come to our Court, whether they  
02 are in shackles or not like Mr. Coleman. And I don't  
03 vilify him for that. People have problems but at least  
04 when you come here, don't lie to us in a murder case.  
05 And clearly John Higgins, not that he lied before, he  
06 certainly lied to Inspector Garr, not one, not two, not  
07 three, but at least seven times and then admitted he  
08 lied. But at least don't lie to us in a current murder  
09 trial in a proceeding where someone's life is at stake

10 here. Don't lie to us now. And, he admitted he did  
11 several times. And, I am not going to go over his  
12 testimony, we all heard it. It has all been  
13 memorialized. There is no reason to.

14 It's somewhat sketchy. This is a man who  
15 sits on his confession for 20 some odd years and finally  
16 only comes forward when, as he says, Harry Krannick  
17 called me to tell me about it. He had read that People  
18 Magazine or I think it was People and there was a story,  
19 the whole thing was in the magazine and he called to  
20 tell me that they were offering a \$50,000.00 reward for  
21 information leading to the arrest of this murderer of  
22 the Moxley girl to which inspector -- and then Inspector  
23 Garr tells him it is up to \$100,000.00. And he says  
24 that's special.

25 Well, that's why he came forward. Maybe he  
26 says now he doesn't want the reward. I think all he  
27 wants now is a ticket out of Connecticut. He couldn't

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01 get out of here fast enough, obviously. But, he came  
02 here and he lied and I don't think there is any nice  
03 label you can put on it other than lying under oath and  
04 he clearly did. Any examination of the transcript by  
05 Your Honor or a third grader will tell us that and  
06 that's not what the State of Connecticut wants people to  
07 rely on in holding people for murder.

08 We have got Mr. Coleman. Mr. Coleman who  
09 had this pain of conscience and blew us away by telling  
10 us that yes, he had a spirit of conscience because his  
11 mother, the mother of his child, was murdered by a  
12 serial killer in Rochester, New York and he really needs  
13 to come forward and make things right. So that's why he  
14 waited ten years before the murder of his child's mother  
15 and then waits another ten years after that to finally  
16 come forward and call the MSNBC affiliate in  
17 Rochester.

18 He came here and, as Mr. Benedict points  
19 out, his testimony was a little bit, as Mr. Benedict  
20 says, at odds with discernable facts. He tells us that  
21 Michael Skakel used a driver, that he masturbated on the  
22 body for several days, facts that are just absurd. And,  
23 he stuck to those facts. He also told us that he  
24 testified before the Grand Jury, which we had from his  
25 transcript, Michael Skakel confessed two to six times,  
26 clearly at odds with what he said here. He either lied  
27 here or there or maybe both times.

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01 We brought in Alice Dunn who ran that  
02 session, the primal scream session. It's the very one,  
03 I don't think there is any question about that. And she  
04 clearly heard there was no confession by Michael  
05 Skakel. He was talking about the guilt he felt about  
06 making a statement about his mother's illness which led  
07 to her death.

08 We talk about what is the physical evidence,  
09 the golf club, and we had the expertise of Chief Keegan  
10 who told us that it had to be Michael Skakel because it

11 was obviously a Skakel because they hid the handle  
12 portion of the club. Yet, his compadre, Detective  
13 Lunney, clearly said that it was common knowledge and  
14 they had information that golf clubs were routinely left  
15 in the Skakel family yard. The golf club may have very  
16 well come from the Skakel household but it in no way  
17 points the finger at Michael Skakel. Even though it  
18 would be so convenient and so nice to find the murderer  
19 of Martha Moxley, and we all want that dearly, that  
20 doesn't mean that we have to bring Michael Skakel to  
21 trial. It doesn't rise to the level of the reasonable  
22 cause.

23 And I wish I could tell Your Honor what  
24 reasonable cause is -- I don't know. I think it is  
25 obviously some threshold that Your Honor is going to  
26 have to find was here. But, I think whatever threshold  
27 it is, however low Mr. Benedict wants it to be, however

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01 low that bar should be, it still should be based and  
02 must be based on credible evidence, not on the likes of  
03 the people who came here and lied to us and lied before  
04 a Grand Jury. I think we expect more than that. We  
05 all do.

06 With respect to the witnesses we brought  
07 here, they all told the same story. They were all  
08 consistent. The fact that they were women, I think  
09 that's an absurd characterization. Well, a man would  
10 never confide in a woman. I think history kind of  
11 tells us a little bit different than that. These were  
12 people Michael knew and I think the best one was Alice  
13 Dunn who cut both ways. I am the first to concede she  
14 got up there and when she was reminded of her Grand Jury  
15 testimony, she clearly was not a witness in the defense  
16 pocket. She stuck to her ground and then she  
17 explained, however, why Michael Skakel may have said,  
18 you know, I don't know if I did it. They were all  
19 totally totally consistent with one another. They  
20 pummelled the heck out of this kid. They put him in  
21 the boxing ring. They physically beat him up. They  
22 mentally abused him. They verbally assaulted him until  
23 finally he went from I didn't do it to I don't know,  
24 leave me alone and that finally worked.

25 We heard the same story from everybody and  
26 of course many people said this trial is an indictment  
27 of the Elan program. I don't know; I don't care. We

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01 are not here to try the Elan program. We are not here  
02 to try Joe Ricci or John Higgins or Greg Coleman, God  
03 bless them all, I don't care. All I am caring about is  
04 the level and the measure of justice that is meted out  
05 to Michael Skakel. And what happened to him there, Your  
06 Honor, the Elan program is an experience that I think  
07 totally dehumanized him and brought him down to a level  
08 where he didn't know which way was up. And that was the  
09 only explanation described in detail and consistently by  
10 all of these witnesses, all of these witnesses including  
11 the State's.

12                   The law, the way I see it, the State says  
13 well, if you find probable cause, stop there because  
14 anybody that a judge could find probable cause about in  
15 terms of murder, they must be a danger to the community  
16 and that no institution is suitable for their treatment  
17 and it has got to be the Superior Court. But, as also  
18 Mr. Benedict points out, the legislature doesn't do  
19 things willy nilly and they generally have a reason and  
20 they generally write statutes for a purpose. And, if  
21 they really were going to mean what Mr. Benedict says  
22 that if it's a murder, then nothing else applies, that's  
23 not what they wrote. They didn't exempt murder from  
24 this so one has to deduce that certainly murder is a  
25 statute that they envisioned that a child could have  
26 committed. And even if a child had committed murder,  
27 even if they had and the judge made such a finding of

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01 reasonable cause, you still have to go to either two or  
02 three and number four. And I don't think the State has  
03 produced any evidence of whether or not Michael Skakel  
04 -- and, again, it is not a child; it is this child. It  
05 is this adult, whether he needs rehabilitation.

06                   The only one who brought in evidence of that  
07 was us. We brought in Mrs. Coomaraswamy who is not  
08 only an expert in the juvenile justice system but a  
09 pioneer in that in this state, not only a present  
10 magistrate and respected member of the community, active  
11 in so many causes but a neighbor and a friend. And,  
12 she got up there and said, which I thought was one of  
13 the most courageous things I ever heard in a Court, you  
14 know something, even if he did do it, he still does not  
15 need rehabilitation. I can't imagine how that is going  
16 to play in tomorrow's headlines for a member of the  
17 community to say that, I believe that even if he did it  
18 he should not be punished. Yet she had the courage to  
19 say that and one has to believe that she meant that. I  
20 think she does take her oath very serious, more  
21 seriously than so many other people and certainly more  
22 serious than a John Higgins or a Greg Coleman. She  
23 clearly stated she knows not only the history of the  
24 Juvenile Court, she knows the history of Michael  
25 Skakel. She saw him at the Elan program and she  
26 clearly said to us he does not need rehabilitation.

27                   The safety of the community, number three

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01 says that the safety of the community requires that the  
02 child continue under restraint for a period extending  
03 his majority. Again, that goes hand in hand with what  
04 I said at the very beginning of my comments. That's a  
05 pitch that somebody like me would make to a Court based  
06 on the great letters of recommendation that we had, take  
07 your chances on him, believe me, he is going to work.  
08 You don't have to believe me, it worked. It is 25  
09 years later. We have that crystal ball. The Court  
10 has the benefit of that. I don't see any possible way  
11 the Court can now say or anyone can say that the  
12 community is unsafe and he has to be restrained beyond

13 his 21st birthday. His 21st birthday was 19 years ago  
14 and all he has done since then is lead an exemplary  
15 life. You couldn't ask for anything better than  
16 that.

17 If he had been found guilty back then, if  
18 someone had been found guilty of this offense and been  
19 sentenced, as I said, for him to sit here now having  
20 done nothing but good things for 25 years, we would all  
21 be very happy that the system worked. So, I don't  
22 believe that it is a no brainer. I believe that it is,  
23 frankly, a tough call and I don't hide that.

24 I am asking the Court to say, you know  
25 something, even if you believed that there is probable  
26 cause or reasonable cause, he still doesn't need  
27 rehabilitation. I know that's a difficult thing for

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01 Your Honor to do but that's why Your Honor is wearing  
02 the robe and that's why we are just lawyering here. And  
03 I know Your Honor is going to take this very serious.  
04 And I know Your Honor is not going to be moved by the  
05 emotion of the moment. And I know this case is an  
06 emotional case and I apologize for stepping over the  
07 line on my questioning sometimes. But, by the same  
08 token, we are here to meed out justice to someone who  
09 was a juvenile. Believe it or not, it is about the  
10 youth. That's the statute we are talking about and I  
11 think that the interests of justice require that the  
12 Court take all these things into consideration. So you  
13 not only look at the statute then but also what happened  
14 since then. And we have that track record. For 25  
15 years Michael Skakel has led an exemplary life. Thank  
16 you.

17 THE COURT: Attorney Benedict.

18 MR. BENEDICT: Very briefly, Your Honor. Counsel  
19 last week and in comments today sought to test  
20 particularly the State's witnesses of last week, that  
21 they were adults who were attempting to relate something  
22 that happened three days ago. I submit it is certainly  
23 fair enough to treat them as adults as they sit here on  
24 the witness stand and that of course happened. But, I  
25 submit further that it is truly unfair to slide over the  
26 fact that they were relating something that occurred 20  
27 years ago and at the time of witnessing those

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01 conversations, they were doing so with the perceptions  
02 of at that time 16 year olds. I think it is  
03 demonstrated, what most impressed Gregory Coleman from  
04 the conversation he had with Mr. Skakel is the comment  
05 by Mr. Skakel, the opening, I am related to the Kennedys  
06 and I can get away with it rather than was it a four  
07 iron or a three iron. That's what Kennedy (sic)  
08 recalls.

09 The defense today presented witnesses who  
10 interestingly all said that if anybody ever confessed a  
11 murder to them, they would run immediately to a director  
12 and let the director know. That's easy for them to say  
13 and I would like to have put them in the shoes of these

14 two 16 year olds back in 1975 and see if they would have  
15 responded in the way they say they would today.

16 Counsel has pointed out that the two primary  
17 State's witnesses sat on their information for some 20  
18 years but who were they. They were 16 year olds.  
19 Clearly they weren't the best adjusted 16 years olds  
20 either; nobody at Elan was at that time. Today, in  
21 Court today, we expect adults to step forward like  
22 marines whenever they witness a crime yet we know that  
23 very rarely happens.

24 What I think is note worthy is when Mr.  
25 Coleman and Mr. Higgins, when things came to a head over  
26 the last few years, what Coleman and Higgins did was  
27 they did agree to come forward. They did seem

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01 reluctant. They are clearly not publicity hogs in this  
02 matter. They clearly are not seeking to be placed in  
03 the spotlight by their participation in this matter.  
04 What really is almost the bottom line question here is  
05 what brought them to this Courtroom beyond the fact that  
06 they got pulled into a Grand Jury.

07 Counsel submits that Mr. Higgins is looking  
08 for a reward. He has no desire for that whatsoever.  
09 He testified he views this entire thing as, I don't know  
10 whether he said this as a bad dream or nightmare, one or  
11 the other. Mr. Higgins, thinking in terms of the  
12 dollars he could make, when Garr, recalling a telephone  
13 conversation that Higgins was cross-examined at  
14 extensively by Mr. Sherman, where Higgins at the time of  
15 having that particular telephone conversation with Garr  
16 thinking in terms of dollars, do you think he would have  
17 repeatedly and repeatedly told Inspector Garr that hey,  
18 gee, the guy never really told me anything. His  
19 reluctance to get involved in this matter while not  
20 commendable I submit does not impugn his honesty.

21 Counsel I submit has been incredibly free  
22 with the word lie when addressing the subject of Mr.  
23 Higgins. I would submit that the evidence supports  
24 that Mr. Higgins repeated his disavows to Inspector Garr  
25 in the course of that telephone conversation in terms of  
26 Higgins having ever heard the defendant actually  
27 acknowledge killing the victim whereas Higgins described

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01 no more than an effort on Higgins' part to avoid his  
02 involvement that he saw in this case becoming. I would  
03 submit that not a glimmer of purpose in fabricating the  
04 testimony has been developed in the evidence at this  
05 hearing as to either Mr. Higgins or Mr. Coleman or  
06 certainly Andy Pugh.

07 And as counsel has noted, as I note, the  
08 recalls of Mr. Higgins and Coleman are indeed sketchy.  
09 They recall after the filter of 22 years of time has  
10 certainly taken its toll. Yet, counsel at the same  
11 time is suggesting that these two witnesses or at least  
12 Higgins is involved in this matter for money or whatever  
13 other property he can make or fleeting fame he could  
14 make, garner from this particular case. But, if that



15 were the situation, if all Higgins wanted to do was make  
16 money out of this, would you not expect them to simply  
17 parrot, I don't know what it is, America's Most Wanted,  
18 Timothy Dumass' book, any various newspaper articles but  
19 that's not how it happened. There have indeed been  
20 some pretty detailed accounts of the murder placed out  
21 in various areas of media. It is almost an invitation  
22 for some want-to-be witness, somebody who wants to get  
23 involved, watch TV, come in here and parrot a newspaper  
24 or television show.

25 That's clearly not what happened here.  
26 What is the inescapable bottom line in this case is the  
27 defendant's admission of possession of a murder weapon

00165

01 to two persons. It is an admission of having been at  
02 the crime scene on the night of the crime to people.  
03 Counsel also argues accepting the fact that under prong  
04 two of the 1971 act of the juvenile system provides no  
05 appropriate remedy and assuming for purposes of argument  
06 here that there is reasonable cause to believe that Mr.  
07 Skakel committed a crime, counsel nevertheless persists  
08 that because he has not offended in the last 25 years,  
09 has thereby managed to avoid detection, this case must  
10 be kept in the juvenile system. It would appear that  
11 if this case is kept in the juvenile system, he is not  
12 being able to be kept in custody in any way, kept within  
13 the juvenile system, the State would be utterly impotent  
14 to take any action against Mr. Skakel for having  
15 committed this crime.

16 I would submit that I find that a bazaar  
17 result. I find it difficult to conclude that he will  
18 ever attempt such a result, that Mr. Skakel hasn't  
19 gotten in trouble since 1975 or 1976 or whatever it was  
20 that bounced him into Elan. Our society takes the  
21 crime of murder and places it in a light completely  
22 different from any other offense in our penal code. It  
23 has no statute of limitations. It has a sentence today  
24 of life. It is interpreted differently than it was in  
25 1975 but it was nevertheless a maximum life sentence in  
26 1975. The legislature has found the crime of murder so  
27 serious in 1971 that it even enacted a statute that

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01 allowed the transfer of a 14 year old's murder case to  
02 Superior Court.

03 Rehabilitation, I agree with. Mr.  
04 Sherman's concern, however, I would submit that it is  
05 one of only many concerns that a Court should be  
06 involved with in terms of the disposition of this  
07 matter. And I submit that those concerns can only be  
08 appropriately addressed by the adult Court. I would  
09 ask the Court to transfer the matter.

10 MR. SHERMAN: May I respond briefly, Your Honor?

11 THE COURT: If it is very brief, yes.

12 MR. SHERMAN: I will be very brief, very brief.

13 Just one issue. I know the State's Attorney feels that  
14 I bandied the line, term around loosely. Last week in  
15 this Courtroom I asked Mr. Higgins whether or not

16 Inspector Garr, when Inspector Garr asked him if he had  
17 a confession, John Higgins said, if, believe me, if I  
18 had a confession from him, I would give it to you. My  
19 question, what does that mean? And he says it means  
20 that I wanted Frank to go away. And I said it means you  
21 lied to him. Yes. And he said I definitely  
22 definitely lied to him.

23 I didn't make this stuff up. We were all  
24 here. We saw it. The man lied. Coleman lied and I  
25 don't believe that the legislature intended people to be  
26 held over for trial on the basis of sketchy testimony.

27 THE COURT: Anything further, Attorney Benedict?  
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01 MR. BENEDICT: No, Your Honor.

02 THE COURT: The Court will be required to issue  
03 written findings. The Court will be reviewing the  
04 transcripts and issuing written findings for this  
05 matter.

06 The findings that the Court will need to  
07 make under 17 A 60 A will be whether or not there is  
08 reasonable cause to believe that Mr. Skakel has  
09 committed the act with which he is charged, and that  
10 there is no state institution designed for his care and  
11 treatment to which he could be committed, or that the  
12 safety of the community requires that he continue under  
13 restraint for a period extending beyond his majority,  
14 and that the facilities of the Superior Court provide a  
15 more effective setting for disposition of the case, and  
16 the institutions to which said Court may sentence a  
17 defendant are more suitable for his care and treatment.

18 If reasonable cause and the other elements  
19 are found by the Court, the Court would also need to  
20 order a complete investigation under 17-66 which is  
21 traditionally known in juvenile Court as a  
22 predispositional study. I will attempt to free up my  
23 schedule in terms of my other duties so that I can  
24 address this at my earliest opportunity. However, I  
25 will take obviously whatever amount of time I need to  
26 appropriately go through my notes prior to issuing my  
27 decision.

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01 The Court will adjourn at this time.

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02  
03 C E R T I F I C A T E

04  
05  
06 I, Susan Wandzilak, Registered Professional  
07 Reporter and Notary Public in and for the State of  
08 Connecticut do here by certify that the foregoing pages are  
09 a true and accurate transcription of my stenographic notes  
10 taken of these Court proceedings.

11  
12 I further certify that I am not related nor in  
13 any way interested in this case.

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SUSAN WANDZILAK