

1 SUPERIOR COURT  
2 JUDICIAL DISTRICT OF NORWALK STAMFORD  
3 AT STAMFORD  
4 STATE OF CONNECTICUT

5 -----x  
6 STATE OF CONNECTICUT,

7 Plaintiff,

8 vs.

Case No. FST CR00-135792T

Date: June 3, 2002

9 MICHAEL C. SKAKEL,

10 Defendant.

11 -----x

12 PROCEEDINGS BEFORE THE HON. JOHN KAVANEWSKY

13 A P P E A R A N C E S

14 JONATHAN BENEDICT, ESQUIRE  
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1 THE COURT: It's my understanding that the state  
2 is not going to put on any other rebuttal witnesses  
3 and the state is prepared to rest in front of the  
4 Jury.

5 MR. BENEDICT: Correct.

6 THE COURT: All right; before we call the panel  
7 in and move to closing arguments, just two matters.  
8 One is a report from the clerk concerning a phone call  
9 from a Juror last week. Madam clerk, the general  
10 substance for the record?

11 THE CLERK: Yes, Your Honor, Juror Christie  
12 Valentino called on last Thursday morning -- I  
13 retrieved the message on Friday -- regarding the grill  
14 request, that it was not a joint request from the  
15 entire Jury and she wanted to let the Court know that.

16 THE COURT: Thank you, Madam Clerk. And the  
17 other matter is a charge that I intend to give. I  
18 neglected to tell the attorneys at the charge  
19 conference and there was no request to charge by the  
20 attorneys but I will give a charge on impeachment by  
21 prior convictions. I think there were two witnesses  
22 who testified that they suffered prior convictions and  
23 those were Mr. Meredith and Mr. Wiggins and I intend  
24 to give a charge there.

25 Does the state want to be heard as to that?

26 MR. BENEDICT: No, Your Honor.

27 THE COURT: The defense?

1 MR. SHERMAN: No, Your Honor.

2 THE COURT: Are both counsel ready to have the  
3 panel called in?

4 MR. SHERMAN: Before the Jury comes in, Your  
5 Honor, I do want to renew my motion for judgment of  
6 acquittal. I am not going to argue it, but basically  
7 based upon the same grounds that I made at the close  
8 of the state's case, that I don't believe the evidence  
9 that has been presented could permit a finding of  
10 guilty beyond a reasonable doubt, it's as simple as  
11 that.

12 Again, I am not going to go through all the  
13 argument before the court. It is the same as it was  
14 before.

15 THE COURT: Does the state want to be heard?

16 MR. BENEDICT: No, other than we just simply  
17 object.

18 THE COURT: The motion for judgment of acquittal  
19 is denied for the reasons previously stated.

20 All right; marshal, bring the panel in.

21 (Whereupon, the Jury entered the Courtroom.)

22 THE COURT: Good morning, ladies and gentlemen.  
23 Nice to have you back.

24 THE JURORS: Good morning, sir.

25 THE COURT: Ladies and gentlemen, we are ready to  
26 proceed. The state concerning its rebuttal?

27 MR. BENEDICT: The state rests.

1           THE COURT: All right; ladies and gentlemen, the  
2 State of Connecticut has rested its rebuttal case.  
3 Therefore, that concludes the evidence portion of this  
4 case. We are now ready to proceed with the matter of  
5 arguments by the attorneys to you.

6           Under our rules of practice, the state  
7 opens the argument, followed by defense counsel and  
8 the state is permitted to close the arguments. So,  
9 you will now give your attention to the attorneys  
10 beginning with Mr. Benedict for the State of  
11 Connecticut. Mr. Benedict.

12           MR. BENEDICT: Thank you, Your Honor.

13           I want to first thank you for your  
14 attention. Certainly this case has had a lot more  
15 distractions than any case I have tried in the last 26  
16 years and we don't do this on a daily basis. But it  
17 has been apparent to all of us that you have all  
18 remained attentive, interested, focused and, most  
19 important, I think patient throughout.

20           I don't just say this to loosen up my vocal  
21 cords. I think even the most publicized and exciting  
22 trial can at times get a little bit tedious. Indeed  
23 just a few weeks ago in New Haven in the trial of  
24 another notorious even older murder case one Juror was  
25 dismissed during testimony for having taken a nap.  
26 And it didn't happen here and we appreciate it.

27           I want to speak very briefly about the

1 law. His Honor, as you know, is going to instruct you  
2 fully on the law before you are sent in to  
3 deliberate. The charge is murder. The state has the  
4 burden of proof, as you all know. That burden is to  
5 prove to you, to convince you beyond a reasonable  
6 doubt. Not beyond a possible doubt, not to an  
7 absolute certainty, but beyond a reasonable doubt as  
8 to those matters that are set out in the information  
9 that His Honor will discuss with you in the course of  
10 his charge.

11 What's in the information. First of all,  
12 the when and the where. Between 9:30 p.m. and 5:30  
13 a.m, at Walsh Lane, Greenwich, Connecticut -- it's no  
14 more specific than that. While that might seem a  
15 little bit broad, the reason for that is, as in almost  
16 any murder case, one of the people who would naturally  
17 be the most informative of witnesses, Martha Moxley,  
18 has had her ability to relate facts forever shuttered  
19 by the very act that has us all here in this courtroom  
20 today.

21 We have to prove what. We have to prove  
22 that the defendant caused the death of Martha Moxley.  
23 Causation of death I think is a given here. There's  
24 no doubt about that.

25 We have to prove also that the defendant  
26 had the specific intent to cause her death, that  
27 beating Martha in the head so many times with a golf

1 club that we really can't even get an accurate count  
2 certainly evidences an incontrovertible intent to  
3 cause death. The act of stabbing her through the neck  
4 from one side through the other with a piece of broken  
5 shaft quite frankly is the most emphatic evidence of  
6 pure hatred, rage and intent to kill.

7 Rather than presenting the typical  
8 prosecutor's opening statement where I just run down a  
9 list of all the witnesses and sort of summarize what  
10 each and every witness said, I am going to speak on  
11 various subjects that occurred in the course of this  
12 trial. While I am sure Mr. Sherman is going to take a  
13 great deal of issue with what I am going to say here,  
14 I am going to present to you what I submit is the most  
15 reasonable construction of the evidence in this case.

16 Does that mean that the evidence answers  
17 every question that could arise -- certainly not.  
18 Does that mean that every fact has been proven beyond  
19 a reasonable doubt -- of course not. That's an  
20 impossible task in any case, particularly in a murder  
21 case. And it is not a burden that is placed on the  
22 state. The only matters that state has to prove  
23 beyond a reasonable doubt are those matters set out in  
24 the information that I just went through with you.

25 Martha Moxley, pretty, athletic, flirtatious  
26 15 year old kid, one who we learned from her diary was  
27 as any 15 year old girl, just beginning to come into

1 womanhood. And from Andrew Pugh and Jackie  
2 Wettenhall, as an attractive kid, she was also clearly  
3 drawing the attention of boys. Unfortunately, as we  
4 learned from the words of the defendant, Richard  
5 Hoffmann and from Martha's diary again, she was also  
6 drawn into the vortex of the competing hormones of two  
7 of the young boys who lived across Walsh Lane.

8 The Moxleys, Martha left home to go  
9 mischieving that night about 6:00 p.m, having just  
10 eaten a sandwich. She didn't have school the next day  
11 so wasn't supposed to be in until about 10:30 or so  
12 that night. Of course, she never got there.

13 The Moxley home was nicely landscaped, had  
14 extensive grounds and it bounded in trees that become  
15 significant in this trial. One tree by the side of  
16 the house rose to permit a view into Martha's bedroom  
17 up on the third floor, if you were a monkey, if you  
18 recall Martha's mother's testimony, or perhaps a  
19 strong and athletic and perhaps a disturbed individual  
20 as the evidence in this case shows Michael Skakel  
21 was.

22 There are two other cedar trees in the front  
23 of the house that rose up by John Moxley's bedroom.  
24 You could get a view into John's bedroom if you were,  
25 if you recall John's testimony, a sparrow. But those  
26 trees were so dense and thin limbed that they would be  
27 unclimbable by a human being. This little fact will

1 have significance in this trial.

2 And, of course, there is the third tree. It  
3 is certainly climbable but that's not the point. It  
4 is a place where a body could be hidden, where a body  
5 was hidden, the place where the evidence in this trial  
6 says Michael Skakel dragged the body of Martha Moxley.

7 Dorothy Moxley expected Martha home by about  
8 10:30 at night. And although she may have heard and  
9 you will hear this from Mr. Sherman I presume some  
10 noises outside about ten or so, it was mischief  
11 night. Dorothy didn't become concerned until after  
12 11:00 or so. Needless to say, Martha never did make  
13 it home.

14 Surrounding circumstances, after the Skakel  
15 group returned from dinner, Martha came by with a few  
16 friends. They and the defendant got into the  
17 defendant's father's car, if you recall the  
18 defendant's statement or story to Richard Hoffmann.  
19 This was the defendant's big moment. Unfortunately  
20 they were joined by brother Thomas, Michael's nemesis,  
21 who wound up with the girl that night, at least for a  
22 little while.

23 The trip to Terriens next took place.  
24 Exactly who went there is one of our controversies in  
25 this trial. But, as you will see, it is not one that  
26 the state necessarily has to resolve in order for you  
27 to convict.

1           The next thing that happened is that it was  
2 time for sister Julie to take Andrea Renna Shakespeare  
3 home. As these two were stepping out the front door,  
4 a figure darted by causing Julie to yell out Michael  
5 come back here which was occurring at the very same  
6 time that brother Thomas was parting from Martha by  
7 the side door in the driveway, Helen Ix having been so  
8 embarrassed, if you recall her testimony, by the  
9 interplay between the two, Thomas and Martha, that she  
10 just left for home.

11           And at very same point the departure to  
12 Terrien's house has already taken place. The Lincoln  
13 was already on route to north Greenwich.

14           Next we realize that Martha didn't get home  
15 as expected by 10 or 10:30 and we could pretty much  
16 conclude that by 1:00 in the morning that she was  
17 never coming home.

18           The crime scene was testified to primarily  
19 by former Chief Keegan, Dr. Carver and Dr. Lee.  
20 Martha was first assaulted somewhere by the driveway,  
21 right about there. She wasn't knocked unconscious  
22 there because we learned that she was somehow able to  
23 travel from here to here, to the major blood scene and  
24 there is no drag trail between those two points.

25           At that point, she was beaten by the major  
26 blood scene mercilessly. Clearly the first blow or at  
27 most the second blow rendered her permanently unable

1 to move. And, of course, as a continuation but not a  
2 final step of the hate and humiliation, she was  
3 stabbed through and through with a piece of broken  
4 golf club shaft.

5 At some point, Martha's jeans were pulled  
6 down. Her underpants were rolled down. Exactly when  
7 is one of those things even the foremost of forensic  
8 experts could not pinpoint for you. But, you can with  
9 the help of Michael Skakel, Andrew Pugh, Michael  
10 Meredith, Geranne Ridge and Martha Moxley. Common  
11 sense tells us that Martha was not compliant while she  
12 was conscious. Were she compliant, what would be the  
13 sense in beating her to death.

14 Looking at the evidence, the beating started  
15 again in the driveway. Her pants certainly weren't  
16 below her knees at that point because she couldn't  
17 have gotten five feet, let alone a near 50 feet, to  
18 get over toward that bloody major assault scene. And,  
19 of course, it only took one good swing over at the  
20 bloody major assault scene to render her permanently  
21 beyond help.

22 This, as you review the evidence, is where  
23 the absolutely weird masturbation story acquires  
24 significance. It's incorrect to say this is not a  
25 forensic case. It is a forensic case, not for the  
26 forensic evidence that was produced but rather for the  
27 forensic evidence that wasn't produced that doesn't

1 exist.

2 Henry Lee presented to you some weeks ago  
3 the history of DNA in solving crimes. By 1991 or  
4 1992, it was the real deal in criminal investigation.  
5 When this case, this investigation was revived in late  
6 1991, every criminal investigator on the planet was  
7 totally attuned to this miraculous new technology and  
8 of course that would include the PIs that the Skakel  
9 family had hired to assist them in the defense, Sutton  
10 Associates.

11 Of course, Sutton Associates and the Skakel  
12 family would have no way of knowing that the FBI and  
13 the Connecticut Crime Labs had simply drawn blanks  
14 back in 1975 which really isn't surprising. Dr. Gross  
15 in 1975 not having heard the word masturbation, that  
16 doesn't come up until 1992 or thereabouts, not having  
17 heard the word masturbation in connection with this  
18 crime scene, Dr. Gross used a UV light in the normal  
19 spot, around the victim's pubic area, but he didn't  
20 use it anywhere else. At any rate, the body having  
21 been dragged face down, face up, feet first, head  
22 first likely wouldn't have disclosed any evidence on  
23 Martha's part of same.

24 This is where this photo acquires great  
25 significance, though. That was taken from the crime  
26 scene. That's not a bruise. It's not any other kind  
27 of injury. Rather, it's a smear, as Dr. Lee

1 testified. Dr. Lee also testified that you just see  
2 the one on the left side, there is one also on the  
3 right side. You can just see it about four or five  
4 inches below on the right side. This is evidence that  
5 somewhere in the bloody assault scene, somewhere  
6 during the drag episode but certainly most likely  
7 underneath the tree, he administered the ultimate and  
8 sickest of humiliations, clearly not a person in his  
9 normal state as he related to Alice Dunn some years  
10 later at Elan.

11 You didn't have to be a fly on the wall when  
12 the Sutton Associates came into the picture in 1992 to  
13 understand why the defendant soon was serving up his  
14 bazaar tale of masturbation in a tree to his friend,  
15 Andy Pugh, and later to Richard Hoffmann. He had  
16 masturbated, not in that cedar tree by John Moxley's  
17 room and not in that monkey tree that's on the side of  
18 the house, but rather in the vicinity of Martha  
19 Moxley's body. And not knowing what traces may have  
20 been recovered from her body and of course the crime  
21 scene investigation or from her clothing or exactly  
22 who he may have related this horrible tale to,  
23 particularly in his years at Elan, he needed some kind  
24 of an explanation.

25 And, of course, the golf club. The  
26 significance of the golf club, again, is not what is  
27 there, but what isn't there. Surely there can be,

1 given the evidence of this case, no serious question  
2 that the six iron and its other matching parts was a  
3 match to the four iron right here, that it was a club  
4 that had formerly belonged to the defendant's deceased  
5 mother.

6 The piece that is missing has significance  
7 only to somebody named Skakel because the label reads  
8 Mrs. R. W. Skakel, Greenwich, Connecticut, Greenwich  
9 CC, Greenwich, Connecticut. The murderer made sure to  
10 hide forever that part of the club that said where it  
11 came from.

12 Now, you want to think about this for a  
13 minute. Is there any reason why a stranger, even Ken  
14 Littleton, would have any reason to hide that label --  
15 no. Such a person would have all the reason in the  
16 world to simply leave that identifying label right  
17 next to the body.

18 Of course, there were seven Skakels at Otto  
19 Rock Drive that night so the golf club is not exactly  
20 a smoking gun, but it certainly is a very warm  
21 barrel. And I submit as you proceed through the  
22 evidence and reason out which of these Skakels was  
23 swinging that golf club that night at Martha Moxley,  
24 you will ultimately determine it was Michael Skakel.

25 So, who did it? Greenwich Police  
26 apparently at one time early on thought Tommy did it.  
27 The perfect place to start, the person last seen with

1 the victim is obviously a good place to start. But  
2 you also have to consider that fact along with the  
3 other evidence that both his sister Julie and Andrea  
4 Renna had him after parting from Martha at the side  
5 door being at the front door handing Renna the car  
6 keys. That's 9:40 or so because, as you know, the  
7 Lincoln had already left.

8 Some time after 10:00 o'clock, 10:15, 10:20,  
9 he entered his father's bedroom and watched part of  
10 the movie with Ken Littleton with neither a drop of  
11 blood on his clothing or hair out of array.

12 Ken Littleton would appear to be the defense  
13 culprit of choice here and apparently he was of the  
14 Eastin police chief back at the time when he was  
15 working in my office in Bridgeport. Certainly in 1992  
16 they took a valiant effort to try to dupe this  
17 psychologically fragile person to confess to the crime  
18 but it was an effort that clearly fell flat.

19 More importantly, Mr. Littleton has a better  
20 alibi even than Thomas Skakel. He too was by the  
21 front door. He was on the staircase at the time that  
22 the keys were passed. Then shortly after 10:00  
23 o'clock when Julie came in to ask where everybody was,  
24 he was in the kitchen and again without a drop of  
25 blood on his clothing, without a hair out of array.  
26 And, of course, he was watching the movie with Thomas  
27 Skakel about 15 minutes later, not to mention the fact

1 that this being his very first night there, having  
2 never laid eyes on Martha Moxley, he had neither the  
3 motive nor the opportunity to have committed this  
4 terrible crime.

5 To conclude that either Thomas Skakel or  
6 Kenneth Littleton murdered Martha, you would have to  
7 pretty much conclude they were in cahoots with one  
8 another. That simply doesn't make sense. The bottom  
9 line is, if either of those two people committed this  
10 grewsome bloody horrible crime and managed so  
11 effectively to cover their tracks, he has committed  
12 the perfect crime and I submit that's just not  
13 possible in this case.

14 Michael Skakel, he started talking about  
15 this murder within 24 hours of its occurrence and  
16 unlike Ken Littleton it hasn't been all denials. On  
17 October 31, to Andrea Renna, he said Martha is dead,  
18 Tommy and I were the last to see her.

19 About six months later in front of a barber,  
20 Matt Tuccarone, he said, barber just minding his own  
21 business, I am going to kill him, why not, I have  
22 killed before.

23 Maybe about six months after that, with a  
24 gardener chauffeur, Larry Zicarelli, the defendant  
25 said, I have done a terrible thing, you wouldn't speak  
26 to me again if you knew it. I have to kill myself or  
27 get out of the country.

1           In 1978, 1979 at Elan in a brief  
2 conversation with Dorothy Rogers, an old acquaintance  
3 from home town Greenwich, he told her his parents put  
4 him in there to protect him from the police, that he  
5 was in a blackout, that he may have done it.

6           Also at Elan he told Gregory Coleman, the  
7 evidence is now clear with Mr. Coleman, that in the  
8 days immediately preceding that horrendous general  
9 meeting, before any resident in Elan had an inkling of  
10 the defendant's having committed this murder, the  
11 spoiled brat smugly boasted, I can get away with  
12 anything and continued to describe to Coleman how he  
13 had beaten a girl's head in with a golf club and later  
14 masturbated on her and was being hidden from the  
15 police.

16           Now, Coleman's memory may have faded just  
17 like apparently every other witness's in this case  
18 has. And, further, Coleman's memory may have been  
19 somewhat dimmed by his life as a junky. But it is  
20 clear that this statement made by the defendant  
21 disturbed him enough and stuck with him that he felt  
22 he had to talk about it to people in later times.  
23 First of all, at Elan when he opened up to Jennifer  
24 Pease about what the defendant told him and then  
25 secondly when he first met his wife back in the mid  
26 eighties. By the way, when he told her about this  
27 horrible secret Michael Skakel had confided in him, in

1 the 1980s, this thing was completely off the scope of  
2 publicity.

3 John Higgins, if you don't call this murder  
4 a deep dark secret, then there is no such thing.  
5 Isn't it natural that with so terrible of guilt it has  
6 to come pouring out at some point. And given the  
7 non-stop Terrace Island concentration camp type  
8 atmosphere at Elan, what other opportunity could arise  
9 better than in the quiet wee hours of the night where  
10 the defendant said to Higgins, I had a blackout, I got  
11 a golf club from the garage, I recall running under  
12 the pine trees, I did it.

13 And then around 1982, the defendant confided  
14 in his father, as reluctant, the evidence by close  
15 family friend Mildred Ix, that he thought he had done  
16 it while he was drunk.

17 In 1985, he told Michael Meredith that he  
18 had climbed a tree and spied on Martha as he had on a  
19 number of prior occasions and masturbated, and  
20 conveniently pointed his finger at his brother Thomas  
21 coursing through the yard towards Martha's house.

22 In 1992, he told somewhat the same story to  
23 Andy Pugh, this time though saying it was the tree,  
24 referring to the tree under which both he and Pugh  
25 were fully aware that Martha's body had been hidden.  
26 And he asked Pugh to please return Sutton Associates,  
27 their persistent telephone calls. This of course to

1 get out the appropriate explanation should there be  
2 semen at the scene one day connected to the crime.

3 In 1997, apparently having fallen off the  
4 wagon at a party up in Boston, he, depending on which  
5 Geranne Ridge version you want to accept, the one from  
6 this courtroom is the last place I want to be in my  
7 whole life or the one where she said he was just  
8 joking about the murder or chatting with a friend  
9 relating all the facts that had been related to her by  
10 the defendant at this party.

11 And Richard Hoffmann, the news story, in  
12 trying to sell his life story as a teenage alcoholic  
13 substance abuser, life as a Kennedy relative, life as  
14 Marissa Verochi's savior, he described the night I  
15 snuck over to my neighbor's house to give her a kiss  
16 and walked right through the very crime scene. I  
17 masturbated after I climbed an unclimbable tree but I  
18 didn't kill anybody, although I did wake up in a panic  
19 wondering if anybody might have seen me out there that  
20 night.

21 Which calls to mind the interesting little  
22 circumstance that when he was awakened the next  
23 morning, it was by Dorothy Moxley and that while  
24 Greenwich High was closed that day, all the private  
25 and parochial schools were in session. Yet everyone  
26 else from that Otto Rock Drive home, the Skakel home,  
27 managed to meet his appointed rounds that morning,

1       except for Michael Skakel, he couldn't get out of the  
2       house.

3               Now, the defense has presented a case, the  
4       defense in this case clearly began on October 30, 1975  
5       with the disappearance of the golf club, the shaft and  
6       any other evidence that would have pinpointed the  
7       defendant to the crime.

8               Also here at trial you have been presented  
9       with John Solomon, the former chief investigator in my  
10      office who in 1992 thought he was going to break the  
11      case by tricking Ken Littleton into confessing. He  
12      didn't really add much information to that which was  
13      already brought to you by the state's case except to  
14      come in and insist that it certainly wasn't his idea  
15      to have Littleton's X-wife frame him. Frankly, I  
16      don't know why he is so sensitive about that. There  
17      is no question that that was what was done. There is  
18      no question that it was a complete flop. As to whose  
19      idea it was who said to do what, it really isn't very  
20      important to your decision here.

21              The defense presented witnesses to attack  
22      the reliability of the defendant's confessing at  
23      Elan. Primarily, witnesses at Elan who again offered  
24      very little in addition to Chuck Seigan in the state's  
25      case. We agree Elan was equivalent to the lower  
26      circles of hell.

27              In that horrible general meeting in front of

1 a hundred witnesses, however, the defendant never  
2 confessed, Chuck Seigan testified to that. However,  
3 none of the defense witnesses who came in here were  
4 able to refute in any way the private conversations  
5 the defendant had with Dorothy Rogers, with Gregory  
6 Coleman, with John Higgins, even with Alice Dunn.

7 To confront the testimony of Michael  
8 Meredith, Matthew Tuccarone, Larry Zicarelli, the  
9 defense presented more in the way of ridicule than  
10 evidence.

11 And, then the alibi, that is the cornerstone  
12 of the defense here. It is a somewhat unbalanced  
13 alibi because due to the defendant's ongoing tales in  
14 the 1990s, you can accept the alibi at face value and  
15 still convict the defendant but you of course will  
16 want to take a careful look at that alibi. You will  
17 want to look at how was it produced.

18 Somebody had the bright idea to get the  
19 players out of town in the immediacy of the  
20 investigation on October 31. Rushton, Jr. had already  
21 gone off to Washington D.C., so Tom, John, Michael and  
22 Jim Terrien were taken out to Windham by Ken  
23 Littleton. Not until after their return from Windham  
24 did the alibi begin to come up.

25 Indeed, you just heard of the events of  
26 November 15 a lot last week, how father Rushton took  
27 all of his kids, Terrien as well, as a group, to give

1 their stories to the police. By whom was it  
2 produced.

3 Well, Julie and Andrea Renna who weren't  
4 included in the Windham trip couldn't quite get on the  
5 right page in 1975 with the other people. But those  
6 who did, John, Tom, Michael Skakel, Jim and Georgeann  
7 Terrien are all brothers and cousins and clearly were  
8 and are a very close-knit group, each with a notable  
9 interest in the defendant's welfare. And that is  
10 something as His Honor will instruct you you may take  
11 into account in judging the witnesses credibility.

12 How was the alibi presented, not very well.  
13 This is a case where one Skakel or another has always  
14 been a suspect, if not a defendant. Where a neighbor  
15 was murdered, in addition. Yet the defense presented  
16 an incredibly sketchy yet contrived convenient  
17 inability rather than ability to recall which fails to  
18 reasonably impugn the evidence presented by the state  
19 and indeed in many regards reinforces the evidence  
20 presented by the state which evidence I submit  
21 demonstrates the defendant's guilt beyond a reasonable  
22 doubt.

23 THE COURT: Thank you. Mr. Sherman.

24 MR. SHERMAN: Good morning. He didn't do it.  
25 He didn't do it. He doesn't know who did. He wasn't  
26 there when the crime was committed and he never  
27 confessed. That's the whole case. There is no great

1           mystery here.

2                       The state has basically been playing  
3           investigative musical chairs for 27 years. As  
4           Mr. Benedict just said not two minutes ago, one Skakel  
5           or another has always been a suspect. But, you know,  
6           folks, that's not good enough. They have to be a  
7           little more specific than that.

8                       The problem with their investigation is that  
9           it has long since been based on confirmation and not  
10          the search for information. As you have seen, the  
11          basis of Inspector Garr's questioning of so many  
12          witnesses that have come to us is to confirm what they  
13          believe, that Michael Skakel is the murderer, but not  
14          to get information.

15                      We saw it very briefly when we had the  
16          Marissa Verochi Geranne Ridge episode. They got  
17          Geranne Ridge to come in here and I think they should  
18          be apologizing to you for that. That was a shame.  
19          They knew she was going to come up here and lie or  
20          they knew she already lied. That's not the quality of  
21          evidence you prosecute a murder case with. That was  
22          silly, if not shameful.

23                      But, they brought in Geranne Ridge because  
24          they had her on one of their tapes which they didn't  
25          tell her about saying, well, he said this, he said  
26          that. Then they had another tape saying the  
27          opposite. And they tricked her. They said well, we

1 already have three other people who told us the same  
2 story. That's what Mr. Garr said. Then we found out  
3 that none of those people said the same story.

4 We also found out that Inspector Garr spoke  
5 to all of them. He showed up down in Florida at  
6 Marissa Verochi's place. He spoke to this person  
7 Shanna. He spoke to this person, Pearl, Meatloaf's  
8 daughter. You didn't see those folks here.

9 The nature of our defense -- we didn't have  
10 the high tech delivery. We've got two kind of boards  
11 here. You don't see the big fancy Jury expert sitting  
12 at our table. It's somewhat low key. It is me and  
13 three kids, as you can see. We haven't given you any  
14 boutique defenses. We didn't bring in one expert.  
15 There is no memory expert. There is no this expert,  
16 there is no dog expert, nothing. We didn't give you  
17 any fancy theories. We didn't give you a twinkie  
18 defense.

19 By the same token, they didn't give you any  
20 evidence, any evidence that Michael Skakel was  
21 disturbed. And whoever did this, I think there is one  
22 thing we know for sure, whoever did this crime, A,  
23 should rot in hell. Whether they did it 27 years ago  
24 or they did it yesterday, they should rot in hell.

25 But, B, they were more than disturbed, they  
26 were more than someone who had a crush on somebody.  
27 They were somebody who was insane and nasty and mean

1 spirited. And none of that has been described as  
2 Michael Skakel. Michael Skakel had some problems but  
3 they never never rose to the level of what  
4 Mr. Benedict would have you believe, that he became a  
5 demonic killer one night on Halloween.

6 Now, as Mr. Benedict points out,  
7 traditionally we go through the evidence. And I may  
8 tend to bore you a little bit, hopefully not. And I  
9 do apologize for during the trial making some jokes.  
10 I can't help it. It's as simple as that. It's just  
11 my nature. But it was never meant, never meant to in  
12 any way trivialize this tragedy or insult the Moxley  
13 family and I hope they have never taken it as such or  
14 to certainly insult you.

15 I know I didn't get in too much trouble with  
16 the Judge. But, again, it's my nature. And if it  
17 lightened things up, so much better.

18 Let's talk about the evidence. As I said,  
19 he didn't do it. What do they have to say that he  
20 did.

21 Dan Hickman, first officer on the scene,  
22 African American gentleman who was 20 years on the job  
23 then retired to become a reverend. They brought him.  
24 He became our witness, not that big a deal, but what  
25 did he tell you. He told you when he saw the body of  
26 Martha Moxley there was something sticking out of her  
27 neck, a piece of a golf club, he didn't know. They

1        tried to say well, was that the probe that was in the  
2        autopsy. He was very clear, no.

3                What does that mean? Does it mean it's not  
4        Michael Skakel? I've got to tell you, folks, I don't  
5        know, but I know that Reverend Hickman started off the  
6        ball with the same theme that seems to have come  
7        forward a lot and that is the state's witnesses, not  
8        my witnesses, the state's witnesses have seemed to  
9        cause more questions to be answered -- questions to be  
10       raised than answers to be found and that's where it  
11       started.

12               Let's talk about the forensic evidence  
13       against Michael Skakel. Well, that's the end of that  
14       discussion.

15               Let's talk about the physical evidence.  
16       There is only one piece of physical evidence. This is  
17       it. As Dr. Lee said, there is indirect evidence,  
18       that's it. Nothing else. There is no forensic  
19       evidence. There is no physical evidence. And it's  
20       not a result of the Kennedy Skakel family conspiracy,  
21       as you will find out.

22               As Mr. Benedict points out, sometimes it is  
23       more interesting and important as to what is not in  
24       this case. Where is the blood. Michael Skakel is a  
25       15 year old kid. Tormented, troubled, whatever, he is  
26       still 15 years old. How is he going to have the  
27       presence of mind, the ability to get rid of all that

1 blood.

2 And we have seen, we have heard and you can  
3 also use your common sense that would dictate that  
4 anybody who committed this crime had to have been  
5 covered with blood. I believe Dr. Lee testified to  
6 that. I don't think anyone had to, it makes sense.  
7 There is no evidence.

8 They did bring in a couple of forensic  
9 people, Dr. Elaine Pagliaro, a nice lady that runs the  
10 state lab. And you may recall a question, and is  
11 there anything that you are telling us today that  
12 would differ or disagree with Dr. Lee's explanation  
13 that he found two hairs microscopically similar to  
14 that of Ken Littleton, do you disagree with that?  
15 She said no. She agrees with Dr. Lee.

16 One of the interesting things about Elaine  
17 Pagliaro's testimony is that they were testing. When  
18 was the testing done -- this year. They are still  
19 testing things. The crime happened 27 years ago. The  
20 arrest happened two years ago and they are still  
21 testing to find out who committed this crime.

22 We had the DNA lady from Penn State. She  
23 examined the two hairs, one of which had already been  
24 testified to -- well, both had been testified to were  
25 similar microscopically, whatever that means. Dr. Lee  
26 said it, not me. He is a lot more right about this  
27 stuff than I am. I am only listening to what he said,

1 as you folks were, that these two hairs were  
2 microscopically similar to Ken Littleton.

3 And these were hairs, by the way, found in  
4 the blanket that was wrapped -- that Martha Moxley's  
5 body was wrapped in. It didn't come from the Skakel  
6 home, as I recall it. Your recall certainly controls  
7 but if you examine the evidence, it came from the  
8 police. They had two clean sheets. These two hairs  
9 were found in the sheets, one they later tested with  
10 DNA, apparently not of Ken Littleton. It had Asian  
11 characteristics, what does that mean.

12 One of the epilogues that I find interesting  
13 about the DNA lady from Penn State, when did they do  
14 these tests. We conducted the tests between March 5  
15 of this year and April 5. My gosh, we started picking  
16 you guys on April 2. They are still testing for DNA  
17 to learn who committed this crime three days after you  
18 people were hauled into the court.

19 I don't know who committed the crime and I  
20 don't think they do and I don't think they do now.

21 Finally, we had Dr. Henry Lee,  
22 unimpeachable, nobody in Connecticut at least is going  
23 to try and attack Henry Lee. I am not, that's for  
24 sure. And, he was very clear, very honest, I have no  
25 direct evidence against Michael Skakel. The hairs  
26 belonged -- the hairs that were found there were  
27 microscopically similar to Ken Littleton. Does that

1 mean Ken Littleton did it -- damned if I know and we  
2 will get to that.

3 Henry Lee also had this information and  
4 I've got to tell you, folks, it goes under the  
5 category, I don't know where this goes. And it's a  
6 question which he raised, Mr. Benedict didn't, I  
7 didn't, but Dr. Lee did. Do you have an opinion as to  
8 whether the rolling down of the underpants and pulling  
9 down of the pants occurred before or after the  
10 infliction of the blunt force injury. That's the  
11 transcript. His answer was, before the infliction of  
12 the injury. In other words, he was telling us that  
13 the pants, the panties were rolled down consensually  
14 in some way.

15 Now, I don't know what that means. All I  
16 know is that that certainly wouldn't have been done  
17 with Michael Skakel. Nothing we have seen, certainly  
18 the diary, suggests that Martha had that type of a  
19 relationship with Michael Skakel. Where it goes, I  
20 don't know. That's for you folks to decide. Again,  
21 it's a question and that's what is being raised, not  
22 answers.

23 Chief Keegan, Tom Keegan, he was the chief  
24 of detectives back then, later rose to chief of police  
25 and now for some umpteen years he has been down at  
26 South Carolina as a state senator. I thought he was  
27 pretty straight forward. He told us how they called

1 the medical examiner, Dr. Eliot Gross. He said that  
2 Gross couldn't get there -- he couldn't get here too.  
3 I don't know why he never testified but all we know  
4 from Dr. Gross is some report that says well, my  
5 conclusion is that it occurred at 9:30 at night to  
6 4:30 or 5:30 of the next morning.

7 And Mr. Benedict points out, well, that's  
8 all we have to tell you. Well, I don't buy that and  
9 neither should you. This is a murder case. We should  
10 have a little bit better information. They should  
11 have a little bit higher burden to prove when a murder  
12 was committed than that kind of a spread.

13 But, you will see, Chief Keegan did the  
14 right thing. First of all, Chief Keegan tried a  
15 little bit to kind of become an advocate here.  
16 Sometimes in any criminal case, whether it is a DWI or  
17 something even more serious like this, witnesses for  
18 some reason feel that they have got to sit at this  
19 table. They feel that they have got to be part of the  
20 State's team. They have crossed the line to become an  
21 advocate, a part-time prosecutor. And, it never  
22 works. It always backfires and you have seen it here  
23 and we will talk about it in a little bit.

24 Keegan tried to do that a bit which was  
25 curious. When I asked him, well, how did you know,  
26 how did you know that these two clubs came from the  
27 same set. Now, obviously, I was expecting him to tell