

Moxley's mom 'disappointed' as Skakel's conviction tossed

Tells Herald she'll keep fighting to 'find justice'

By Brian Dowling

Connecticut defense attorney Norm Pattis told the Herald, "The physical evidence will be sent to state labs for testing, and the ability to pick up minute amounts of DNA has increased dramatically in the last 10 to 20 years ... New forensic evidence could bolster the state's case; on the other hand, it could exclude Skakel.

The elderly mother of Martha Moxley, the teen allegedly bludgeoned to death with a golf club in Connecticut by Kennedy cousin Michael Skakel decades ago, said she'll spend the rest of her life working to "find justice" for her blonde-haired girl.

"I was 43 when my daughter was murdered, and I'm going to be 86



Michael Skakel, accused in the 1975 slaying of neighbor Martha Moxley, walks with attorneys Hubert Santos and Jessica Santos outside Stamford Superior Court in Stamford, Conn.

in 20 days. That's half of my life that has gone on, and I'm willing to spend the rest of my life to find justice for Martha," Dorothy Moxley told the Herald yesterday.

She spoke soon after Connecticut's high court tossed Skakel's conviction for the 1975 murder in a wealthy Greenwich enclave.

"I am disappointed and I am

surprised," Dorothy Moxley said.

She said the Connecticut Supreme Court's 4-3 decision yesterday to vacate Skakel's 2002 conviction because his lawyer failed to run down an alibi witness doesn't come close to convincing her of the 57-year-old's innocence.

"I know Michael Skakel did this, and there's no doubt in my mind,"

she said, adding that prosecutors she spoke with yesterday said she'd have to wait for a decision about whether they'd retry the case against Skakel.

The high court's decision yesterday overturned a similarly split 2016 ruling that upheld Skakel's conviction. This time — with a new justice on the bench — the court found Skakel's trial attorney failed to investigate a key alibi defense which amounted to a “constitutionally inexcusable” error that “undermines confidence in the reliability” of what was already a “far from overwhelming” conviction.

The critical error made by trial attorney Mickey Sherman was not investigating Denis Ossorio, who was present where Skakel said he was watching Monty Python with friends and his brothers at the time when Moxley was killed.

“Without Ossorio's testimony, the state was able to attack the (Skakel's) alibi — a complete alibi for the time period during which it is highly likely that the victim was murdered — as part of a Skakel family conspiracy to cover up the petitioner's involvement in the victim's murder,” Justice Richard Palmer wrote in the majority ruling.

Fifteen-year-old Moxley was killed — bludgeoned with a golf club belonging to the Skakel family and stabbed in the neck with the broken-off handle — the night before Halloween in 1975 in the driveway of her Greenwich home. Skakel was convicted in 2002 and

sentenced to 20 years to life in prison. He has been free on \$1.2 million bail since a lower court overturned his conviction in 2013. Skakel is the nephew of Robert F. Kennedy's widow, Ethel Kennedy.

In light of yesterday's ruling, Skakel would need to be retried, but prosecutors have not indicated whether they would press for a new trial.

A decision to toss the conviction could breathe fresh life into the case if prosecutors take a second look at evidence, this time under the powerful eyes of the latest forensic DNA tools.

What results from that fresh look could again point the finger at Skakel — whose conviction was overturned in a 4-3 decision — or others in the killing, said Connecticut defense attorney Norm Pattis.

“The physical evidence will be sent to state labs for testing, and the ability to pick up minute amounts of DNA has increased dramatically in the last 10 to 20 years,” Pattis told the Herald. “New forensic evidence could bolster the state's case; on the other hand, it could exclude Skakel.”

Once the evidence is examined anew, prosecutors in Bridgeport will have to weigh the public interest in the case against the costs of a new trial and likelihood of convicting Skakel or another defendant nearly 50 years after the killing.

The court's decision hinted that the testimony of Ossorio sets a high bar

for prosecutors to win a new retrial.

The testimony requires the state to prove the murder occurred after 11 p.m., when Ossorio claimed he saw Skakel until, the court said, calling it “a nearly impossible burden in view of the fact that the state has never proffered any explanation as to where the victim may have been or what she may have been doing from 9:30 p.m., when she was last seen alive, until at least 11 p.m.” ■