

Court Vacates Murder Conviction of Kennedy Nephew Michael Skakel

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By Robert Storage



Michael Skakel reacts to being granted bail during his bond hearing at Stamford Superior Court, Thursday, Nov. 21, 2013, in Stamford, Connecticut.

By a 4-3 ruling late Friday, the Connecticut Supreme Court vacated the 1975 murder conviction of Michael Skakel, nephew of the late Sen. Robert F. Kennedy's widow Ethel Kennedy. The divided court ordered a new trial in the case that

garnered national and international attention.

Skakel was convicted in 2002 of the beating death of his 15-year-old Greenwich neighbor Martha Moxley. He spent 11 years in prison

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for the murder.

But on Friday, the high court said Skakel's first attorney, Mickey Sherman, failed to present evidence of an alibi.

Several years ago, Skakel and his new legal team argued that Sherman failed to implicate Thomas Skakel, Michael's brother, in the murder.

Connecticut Superior Court Judge Thomas Bishop, who presided over Skakel's initial appeal, agreed in October 2013 that Sherman should have tried that defense. In addition to noting that Sherman failed to point the finger at Thomas Skakel, Bishop was also highly critical of the attorney and how he handled himself in court.

At the time, Bishop said Sherman was trying to represent Skakel while trying to placate the Internal Revenue Service in an unrelated issue; failed to follow up on leads; and was too distracted by the media spotlight.

Skakel has been free since October 2013. He had been sentenced to 20 years to life in prison.

In December 2016, the state's high court reinstated Skakel's murder conviction. All eyes were on what the Supreme Court would do this year as Skakel's appellate lawyer, Hubert Santos, had asked the court to reconsider its 2016 ruling.

Voting in the majority Friday were Justices Richard Palmer, Gregory D'Auria, Andrew McDonald and Richard Robinson, whom the state Legislature approved this week to be the next chief justice. Voting in the minority were Justices Dennis Eveleigh, Christine Vertefeuille and Carmen Espinosa.

In an interview last year with the Connecticut Law Tribune, Sherman defended his lawyering in the case and said Bishop's comments hurt him deeply.

"How could I not take it personally?" he said. "When you have a judge say that, it's tough to keep that happy face on. I'm not the judge's favorite lawyer."

Sherman said he held no grudges toward his former client's new attorneys for placing a big share of the blame on him.

"There are no hard feelings," Sherman said. "He is entitled to diss me in any way he feels. He gets a free pass."

Outspoken New Haven criminal defense attorney Norm Pattis reacted to Friday's verdict with a prediction: "The possibility for a retrial is very real in Michael's case," Pattis said in an emailed statement.

Acknowledging that much of the evidence is old, and that many witnesses have since passed on, Pattis said there are new DNA tests available that were not available at the time of the initial trial.

"I suspect the state is working overtime to look for new forensic evidence" in the case, the attorney said. ■