RETURN DATE: SEPTEMBER 27, 2005

MICHAEL C. SKAKEL	:	**SUPERIOR COURT**
V.	:	**J. D. OF STAMFORD**
STATE OF CONNECTICUT	:	**AUGUST 25, 2005**

PETITION FOR NEW TRIAL

The Petitioner, Michael C. Skakel, by and through his undersigned counsel, respectfully petitions this Honorable Court for a New Trial in the above-referenced matter in the interests of justice and under the Fifth, Sixth and Fourteenth Amendments to the United States Constitution, Article I, Sections 8 and 10 of the Connecticut Constitution, Section 52-270 of the Connecticut General Statutes and Section 42-55 of the Connecticut Practice Book.

FIRST COUNT

1. The Petitioner, Michael C. Skakel, was arrested and charged on January 19, 2000 for the October 30, 1975 murder of Martha Moxley in Greenwich, Connecticut.
2. Mr. Skakel, who was 39 years old on the date of his arrest, initially was presented in juvenile court because he was 15 years old at the time of the homicide.
3. The juvenile court granted the State's motion to transfer the matter to the regular criminal docket because of Mr. Skakel's age.

4. The caption of the case after transfer to the regular adult criminal docket was State v. Michael Skakel, Docket No., FST CR00-135-792-T, Judicial District of Stamford/Norwalk at Stamford.

5. Following a month-long jury trial, Mr. Skakel was convicted of murder on June 7, 2002.

6. On August 29, 2002, Mr. Skakel was sentenced to a term of incarceration of 20 years to life in accordance with the 1975 adult sentencing laws.

7. On September 17, 2002, Mr. Skakel filed an appeal which was argued before the Connecticut Supreme Court on January 14, 2005.

8. On October 30, 1975, Michael Skakel was 20 minutes away from Greenwich's Belle Haven community at the time his fifteen-year old neighbor and friend, Martha Moxley, was killed around 10:00 p.m.

9. At trial, two of the Petitioner's older brothers (Rushton, Jr. and John), his two cousins (James and Georgeann Dowdle) and a neighbor (Helen Ix) confirmed that Mr. Skakel had left Belle Haven around 9:30 p.m. and did not return until after the murder.

10. The victim's body was found under a large pine tree on the Moxley property around 11:30 a.m. on October 31, 1975.

11. The victim suffered multiple and severe injuries to her head and stab wounds to her neck that were consistent with being caused by a piece of golf club shaft.

12. Three pieces of a golf club were found near the victim's body.

13. The golf club pieces came from a Tony Penna golf club.

14. The same brand of golf club was found at the Skakel residence.

15. It was common for golf clubs to be left about the Skakel property.

16. The investigation revealed that the victim had been assaulted near her driveway and then dragged to the pine tree.

17. According to Dr. Henry Lee's trial testimony, the State had no forensic or physical evidence linking Michael Skakel to this murder.

18. After Mr. Skakel was convicted and sentenced, a new witness was located who indicated that he was present in Belle-Haven on the night that Martha Moxley was murdered.

19. This witness, Mr. Gitano Bryant, is a reluctant witness who does not want to be involved, but who, based upon the information he has, believes that Michael Skakel was wrongly convicted.

20. Mr. Bryant has indicated that he was present with two friends, A. and B. in Belle Haven on the night Martha Moxley was murdered.

21. Mr. Bryant, A. and B. lived in New York, were close friends and were together on an almost daily basis during that time period.

22. Mr. Bryant attended a private high school in Connecticut in 1975.

23. A., who was around 15 years old in 1975, “was big and he was explosive”, very strong, about 6’2” tall and weighed about 200 pounds.

24. Mr. Bryant has stated that his friend, A., “had met Martha [Moxley] previously and he had a thing for her. He really liked her” and “he loved her beautiful blond hair.”

25. Mr. Bryant said that A. had met Martha Moxley in September of 1975 and that they [Mr. Bryant, A. and B.] had been to Greenwich four to five times between September and the murder.

26. He stated that A. “wanted to go caveman on her”, meaning to “grab her and have her the way he wanted her” ; getting her from behind and dragging her by her hair.

27. Mr. Bryant indicated that A. was obsessed with Martha Moxley and that “he said he was going to have her.”

28. Mr. Bryant said he and B. would kid A. about it and tell him that he needed to think about someone else “who is more attainable, because it’s not going to happen. She’s not even interested in you [A.]”.

29. On the night that Martha Moxley died, Mr. Bryant said he, A. and B. took a train to Greenwich in order to go to Belle Haven.

30. During the train ride, A. and B. stated they they were “not going out of here unsatisfied” and that they had been talking “about the caveman.”

31. Mr. Bryant recalled that on prior occasions at Belle Haven, they used to hit golf balls behind the Skakel home with the Skakel golf clubs which would be just laying around.

32. On the night that Martha Moxley was murdered, Mr. Bryant recalled that all of them picked up a golf club that night.

33. He said that A. and B. were using the clubs "as sort of like walking sticks" and they said "I got my caveman club."

34. Mr. Bryant indicated that at that point, he left A. and B. and took the train back to New York.

35. Mr. Bryant indicated that A. and B. had been drinking during the evening.

36. Mr. Bryant saw A. and B. the Monday following the murder and A. said "I got mine" and B. said "we did what we had to do"; they said "we achieved the caveman" and were bragging that "we got her caveman style."

37. Even though A. and B. never mentioned Martha Moxley's name, he knew they were referring to her.

38. That night, Mr. Bryant said A. and B. stayed at the house of Geoffrey Byrne.

39. Geoffrey Byrne later told Mr. Bryant to stay clear of A. and B., that they were bad guys.

40. After this, Mr. Bryant tried to create distance between himself and A. and B.

41. Mr. Bryant's information constitutes newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and is not merely cumulative, and is likely to produce a different result in a new trial.

42. The jury verdict resulted in Mr. Skakel suffering an injustice.

43. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

SECOND COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Second Count.

18. From 1978 to 1980, Mr. Skakel was physically and emotionally brutalized at Elan, a residential "treatment" facility for adolescents and young adults located in Poland Springs, Maine.

19. For two years, Mr. Skakel was held captive in this secluded environment where the residents regularly were beaten unmercifully and emotionally tortured.

20. In its closing argument at trial, even the State admitted that a "concentration camp type atmosphere" existed at Elan.

21. The centerpiece of the State's case against Mr. Skakel was several statements he allegedly made to residents and a staff person during his tormented time at Elan.

22. The Elan Program touted a controversial behavioral modification program that relied upon peer and staff confrontation predicated on intimidation, humiliation, physical beatings and emotional poundings.

23. Elan even had its own cult-like lingo to describe positions and events, *i.e.* night owls, expeditors, haircuts, being shot down and general meetings.

24. A "night owl" was a resident assigned to guard the entrances so that people would not run away; An "expeditor" was a resident assigned to Elan's police force who was required to take head counts every 15-20 minutes; a "haircut" was a verbal reprimand for minor infractions; "Being shot down" meant if a resident were disobedient, their position was taken away and they were required to wear shorts, go barefoot and made to scrub floors all day.

25. The most glaring example of Elan's technique of persecution was the "general meeting;" **t**he typical general meeting was attended by over 100 people present and stated with a staff person stirring up the crowd– almost like a pep rally -- against the person for whom the general meeting was called.

26. The "victim" of the general meeting was hidden in a back room and only displayed before the crowd once the assembly had become sufficiently frenzied.

27. A staff member always asked whether anyone had any feelings towards the target, inevitably resulting in a barrage of 20-30 out-of-control people rushing and screaming at the person.

28. The target inevitably received some type of punishment at the general meeting.

29. If the owner of Elan, Joseph Ricci, did not like how the target of the general meeting answered a question, he would "continue to confront them and pelt them emotionally, have them spanked or placed in the boxing ring."

30. The boxing ring was a human circle of people used to beat the words out of the person, and the target of the meeting would be required to fight round after round, encountering a new boxer for each round.

31. One of the Elan survivors, Mike Wiggins, testified at trial how for 14 days he was forced to sit facing in the corner during the day and made to sleep under the urinals at night; that the staff then called for a general meeting and he was ordered into the boxing ring many times and then forced to lean over a chair while the staff and residents paddled him with a plywood paddle with holes; that he was beaten so badly that his buttocks were black and became bloody and his scars from the torture session remain visible.

32. Approximately six months into his two-year Elan nightmare, Mr. Skakel tried to run away and his subsequent punishment was severe.

33. For three days, Mr. Skakel was ordered in the corner of the dining room on a stage where he had to alternate sitting and standing each hour without any sleep.

34. Two "personal overseers" or "gorillas" who were "trusted residents" handpicked by the Elan staff, guarded him at all times.

35. One of the personal overseers assigned to guard Mr. Skakel was Gregory Coleman.

36. After standing and sitting in a corner for three days, the Elan staff and residents – about 150 people led by Ricci -- victimized Mr. Skakel at a brutal general meeting.

37. At trial, one witness testified that "[t]hey dragged him into the room, they put him against the wall and that's where the confrontations started."

38. During the meeting, Elan's leader, Ricci, accused Mr. Skakel of murdering Martha Moxley.

39. When Mr. Skakel denied his involvement in the murder, Ricci "got more agitated, verbally intolerant and abusive."

40. Mr. Skakel was crying throughout Ricci's bullying and after repeated denials, Ricci ordered Mr. Skakel into the boxing ring where he was "brutalized."

41. At the end of each round, Ricci asked Mr. Skakel if he killed Martha Moxley; for hours, Mr. Skakel denied any involvement and was placed back in the ring for another round against a fresh fighter.

42. The assault finally ended when Mr. Skakel responded "I don't know" to Ricci's accusation that he murdered Martha Moxley.

43. Whenever Mr. Skakel was confronted about the murder after this general meeting, he responded that he just didn't know.

44. One Elan resident testified that she witnessed Mr. Skakel being pummeled in the boxing ring on more than one occasion, as well as being paddled for denying his involvement in the murder.

45. This resident testified that during these beatings, Mr. Skakel was crying, "sometimes just uncontrollably" and that after hours of this torment, Mr. Skakel would finally say "I don't know, maybe I did" which "immediately" stopped the beatings.

46. After that general meeting, the question of whether Mr. Skakel had been involved in the murder haunted him as a topic of conversation throughout the Elan community.

47. Despite the pummeling, the beating and the threats, witness after witness from Elan testified that Mr. Skakel never confessed to killing Martha Moxley.

48. There were only two exceptions, Greg Coleman and John Higgins, two Elan residents who stood out among many others for the brutality of their conduct and the unreliability of their stories.

49. Gregory Coleman was one of the most aggressive Elan tormenters and

a “head gorilla.”

50. During his reasonable cause testimony in the Juvenile Court, Coleman candidly admitted that he was involved in the violent beating of a female resident at Elan.

51. She was paddled so violently with open hands and a wooden mallet that she had to be taken to the hospital.

52. Coleman testified that the assault was so horrific that “she went into shock” and “lost the ability to retain her bowel movements.”

53. Coleman came forward at least 20 years post-Elan with a fantastic story after watching a television news magazine story about the Moxley murder.

54. Coleman, a long-time heroin addict and convicted felon, had been hospitalized several times for mental illness and had problems that plagued him for most of his life.

55. Coleman died of a drug overdose in 2001 about four months after he testified at the probable cause hearing.

56. Since Coleman's sterilized testimony from pretrial proceedings was "read" to the jury by a prosecutor, the jury never was able to observe the demeanor of this key witness.

57. Coleman was a 20-25 bag a day heroin addict and he testified before the grand jury one hour after shooting up.

58. He was unable to focus at the probable cause hearing because he was under severe heroin withdrawal that required him to go to the hospital after testifying.

59. Coleman admitted at the probable cause hearing that his recall was questionable because of his ingestion of drugs and alcohol over a long period of time, the passage of time, and because he had been exposed to television tabloid shows and read about the case.

60. Coleman claimed that he stood guard over Michael Skakel armed with a baseball bat with another person in the dining room after Skakel's escape attempt failed but prior to his first general meeting.

61. The Elan rules mandated absolutely no talking between a guard and the person he was guarding.

62. Nonetheless, Coleman claimed that Skakel told him, "I am going to get

away with murder because I am a Kennedy," and then said he had made advances to this girl, she spurned his advances, and he drove her head in with a golf club.

63. According to Coleman, Mr. Skakel said that he hit her so hard that the golf club broke in half and that two days later he returned to the body and masturbated on it.

64. Coleman's story changed dramatically each time he told it which is not surprising since he had been exposed to three different TV tabloid shows about the murder – one prior to testifying before the grand jury and two additional ones.

65. Coleman testified that when Mr. Skakel made this alleged admission to him, another Elan resident who was serving as a guard as well, was present.

66. Coleman testified that the other Elan resident present at the time of Mr. Skakel's statements was either John Simpson, Cliff Reuben or Everett James.

67. None of the people identified by Coleman as witnessing Mr. Skakel's statements were produced by the State to support Coleman's story.

68. All three of these witnesses have been located by Petitioner after his conviction.

69. Each witness either (a) recalls guarding Mr. Skakel with Mr. Coleman in

the dining room after Skakel's failed attempt to run away, but denies that Mr. Skakel made any admissions about killing Martha Moxley; or (b) denies guarding Mr. Skakel with Mr. Coleman, and denies ever hearing Mr. Skakel make any admissions about killing Martha Moxley.

70. Undoubtedly, Mr. Coleman was the State's most important witness since he was the <u>only</u> witness to say without equivocation that Michael Skakel admitted that he killed Martha Moxley.

71. Mr. Coleman testified falsely at trial.

72. Pursuant to Section 52-270 of the Connecticut General Statutes, "The superior court may grant a new trial of any cause that may come before it, for … the discovery of new evidence --- or for other reasonable cause….".

73. The information provided by the three new witnesses constitutes newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and is not merely cumulative, and is likely to produce a different result in a new trial or in any reasonable likelihood have affected the judgment of the jury.

74. The information provided by the three new witnesses constitutes reasonable cause for a new trial since Mr. Coleman claimed Mr. Skakel's admission was witnessed by one of these three people, which was false, and he is the only witness to say without equivocation that Michael Skakel admitted that he killed Martha Moxley.

75. The jury verdict resulted in Mr. Skakel suffering an injustice.

76. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

THIRD COUNT

1.-47. Paragraphs 1-47 of the Second Count are hereby realleged as paragraphs 1 through 47 of this Third Count.

48. John Higgins, a member of Elan's elite police force, often served as Michael Skakel's abusive personal overseer.

49. In that role, Higgins screamed at Mr. Skakel every few minutes and ordered him around; he was mean-spirited towards Skakel and he "seemed to really like making Mike Skakel's life miserable."

50. About 20 years post-Elan, Higgins – who had a reputation for being untruthful -- surfaced after learning about a reward being offered for the Moxley murder in *People* magazine.

51. He claimed that one time while serving "night owl" duty with Mr. Skakel, Skakel had a conversation with himself in which he first said he did not know whether he did it; then, that he may have done it; then, that he did not know what happened; then, that he must have done it; then, that he did it.

52. Higgins testified that he was "totally uninvolved verbally" and simply watched Skakel talk to himself for two hours.

53. After Mr. Skakel's conviction, one of the State's witnesses at trial, Charles Seigan, came forward with new information not known to the Petitioner at the time of trial.

54. Mr. Seigan was a resident at Elan during the same time period as Mr. Skakel and Mr. Higgins.

55. Mr. Seigan remained in contact with Mr. Higgins after they both left Elan.

56. Mr. Seigan indicated that approximately six to eight months before Mr. Skakel's trial began, he called the State's then chief inspector on the case, Frank Garr.

57. He told Mr. Garr that his main witness, John Higgins, was a liar and nothing has been done to check him out.

58. On a previous occasion, Mr. Garr indicated to Mr. Seigan that he would be coming to Chicago to meet with him and he said, "I just wanted to let you know there was reward money."

59. The State never disclosed this exculpatory information – either the offer of reward money, or Seigan's call to Garr about Higgins being a liar -- to the Petitioner or his counsel.

60. The disclosure of exculpatory evidence is a right that the both our state and federal constitutions provide as part of their basic "fair trial" guarantee. See U.S. Const., amends. V, VI; Conn. Const., art. I, § 8.

61. The United States Supreme Court has recognized time and again that governmental deception of the court and jury, or knowing suppression of evidence favorable to the accused, was conduct inconsistent with the most "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103, 112 (1935); Brady v. Maryland, 373 U.S. 83 (1963).

62. Pursuant to Section 52-270 of the Connecticut General Statutes, "The superior court may grant a new trial of any cause that may come before it, for … the discovery of new evidence --- or for other reasonable cause….".

63. The information provided by Mr. Seigan to the Petitioner after his trial constitutes newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and is not merely cumulative, and is likely to produce a different result in a new trial or in any reasonable likelihood have affected the judgment of the jury.

64. The failure of the State to disclose it had offered a reward to a witness and that the same witness had called the State and indicated that John Higgins is a liar constitutes reasonable cause for a new trial since it was obligated to disclose this information under the state and federal constitutions and based upon a prior discovery order of the trial court.

65. The suppression of this exculpatory evidence – the offer for reward money, and Seigan's claim that Higgins is a liar -- resulted in Mr. Skakel suffering an injustice.

66. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

FOURTH COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Fourth Count.

18. Jury impartiality is a core requirement of the right to trial by jury guaranteed by Article I, § 8 to the Connecticut Constitution, and by the Sixth Amendment to the United States Constitution.

19. The modern jury is regarded as an institution in our justice system that determines the case solely on the basis of the evidence and arguments given it in the adversary arena after proper instruction on the law by the court.

20. Reasonable cause exists for a new trial because one or more jurors ignored the Court's instructions regarding fundamental concepts of the law.

21. At least one juror discussed the case with a third-party during the presentation of evidence.

22. This juror, in its discussion with the third-party which occurred while the evidence was still being presented, indicated that he intended to convict Mr. Skakel.

23. The information contained in this Count was not available to the Mr. Skakel or his counsel during the trial or during jury deliberation and was not discoverable at that time.

24. The information contained in this Count constitutes newly discovered evidence and demonstrates that Mr. Skakel did not receive a fair trial.

25. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

FIFTH COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Fifth Count.

18. At trial, the defense pointed to Kenneth Littleton as a possible third-party suspect for the murder.

19. Littleton began his employment as the part-time Skakel family tutor on the day Martha Moxley was murdered.

20. Littleton was interviewed on a number of occasions by the Greenwich police after the murder.

21. It was not, however, until the third interview that he admitted going outside near the time of the murder to investigate a disturbance at the rear of the Skakel driveway.

22. Littleton testified that he never left the Skakel property.

23. Littleton was one of the chief suspects in the murder.

24. In 1991, Inspectors Jack Solomon, now the police chief of Easton, and Frank Garr, approached Littleton's former wife, Mary Baker, for help in the investigation.

25. At trial, Inspector Solomon testified that Ms. Baker had told him that Littleton had admitted to her that he had buried a bloody piece of a golf club in the woods.

26. In 1992, Littleton met with Dr. Kathy Morall, a forensic psychiatrist assisting the prosecution.

27. At that meeting, Littleton testified that he had told his former wife that he had killed Martha Moxley.

28. Littleton also testified that he told Mary Baker that he killed the victim by stabbing her through the neck.

29. Charles Morganti, Jr., a Belle Haven security guard, reported to police that on the night of the homicide at around 10:00 p.m. he observed a white male walking on Field Point Road near Walsh Lane.

30. Morganti explained that he was replacing a wooden stanchion when he made the observation.

31. On November 6, 1975, Greenwich police filed a report that Mr. Robert Bjork of Otter Rock Drive observed Morganti replacing a white road stanchion on the night of the homicide at 9:50 p.m.

32. Morganti related that he had confronted the same man earlier.

33. Morganti described the man as six feet tall, 200 pounds, late 20's to early 30's, dark rimmed glasses, fatigue jacket, tan slacks and blond hair.

34. Morganti assisted the Greenwich police department in putting together a "composite picture" of the suspect ["Morganti sketch"], attached as Exhibit A.

35. The physical description provided by Morganti and the composite sketch prepared by the police depicts an individual who strongly resembles Kenneth Littleton. See Exhibit B.

36. On the date of the murder, Littleton was 23 years old, 6’ 1” tall and weighed about 200 pounds.

37. He wore silver rimmed glasses and had dark, wavy hair.

38. The Morganti sketch resembled a photograph of Littleton that was taken a few months before the homicide when Littleton was a coach at the Brunswick School in Greenwich. See Exhibits B and C.

39. Most importantly, the sketch did not resemble 15-year-old Michael Skakel. Compare Exhibit A and C.

40. Despite this similarity to Littleton, the police concluded that the person Morganti saw at around 10:00 p.m. was Carl Wold, a young man who lived in the area.

41. Wold and his father told the police that he [Carl Wold] arrived home at approximately 8:00 to 8:15 p.m. and did not leave his home thereafter.

42. In 1994, Inspector Frank Garr reached the same conclusion despite the chronological impossibility of the Wold hypothesis.

43. Notwithstanding two 1975 reports that Carl Wold arrived home at between 8:00 and 8:15 a.m. and did not leave, Garr wrote in his 1994 report that Carl Wold was the person Morganti saw at around 10:00 p.m.

44. During pre-trial discovery the Petitioner filed two comprehensive motions for discovery and inspection seeking, inter alia, exculpatory evidence, evidence that someone other than the Petitioner was involved in the murder or near the scene, and sketches or composite drawings.

45. The State did not object to these requests.

46. The trial court ordered compliance with all requests not objected to.

47. The State thereafter filed a “Notice of Service: State’s Disclosure” advising the Court (and the Petitioner) that it had delivered “to counsel for defendant” [petitioner] its discovery responses.

48. The State never produced the Morganti sketch prior to trial.

49. There was no such sketch included in the “open file” that the State made available for inspection.

50. Since the trial, the Petitioner has discovered material evidence in his favor, which evidence he was unable to discover before or during trial, although he used all reasonable diligence in endeavoring to find evidence in his favor.

51. After the Petitioner was convicted, but prior to sentencing, Petitioner's new counsel inquired about the existence of the sketch that had been the subject of multiple discovery demands prior to trial.

52. On August 21, 2002, the State's Attorney provided a copy of the sketch to the Petitioner's counsel.

53. The disclosure of exculpatory evidence is a right that the both our state and federal constitutions provide as part of their basic "fair trial" guarantee. See U.S. Const., amends. V, VI; Conn. Const., art. I, § 8.

54. The United States Supreme Court has recognized time and again that governmental deception of the court and jury, or knowing suppression of evidence favorable to the accused, was conduct inconsistent with the most "rudimentary demands of justice." Mooney v. Holohan, 294 U.S. 103, 112 (1935); Brady v. Maryland, 373 U.S. 83 (1963).

55. The Morganti sketch was the single most important piece of exculpatory evidence in this case.

56. The Morganti sketch was suppressed by the State and physically withheld from the defense until after the jury returned its verdict.

57. This evidence -- a composite sketch of a man observed by a neighborhood security guard on the road near the scene of the murder, at around the time of the murder – was material.

58. The evidence was compelling because the man depicted in the sketch strongly resembled Kenneth Littleton – the Skakel tutor who was a principal suspect in the case for years, and the defense's primary target as the possible murderer of Martha Moxley.

59. The ability for the jury to view a sketch of a man seen near the crime scene at the relevant time that resembles Kenneth Littleton (and ***not*** 15 year old Michael Skakel) would have materially assisted the defense.

60. Yet, despite multiple written discovery requests ***explicitly*** asking for disclosure of any such sketch (and any other evidence relating to third-party culpability), and despite the fact that those discovery motions were granted by the court well before trial, the State never disclosed it until after Mr. Skakel was convicted.

61. Pursuant to Section 52-270 of the Connecticut General Statutes, “The superior court may grant a new trial of any cause that may come before it, for … the discovery of new evidence --- or for other reasonable cause….”.

62. The Morganti sketch constitutes newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and is not merely cumulative, and is likely to produce a different result in a new trial or in any reasonable likelihood have affected the judgment of the jury.

63. The failure of the State to provide a copy of the Morganti sketch to the Petitioner prior to the trial constitutes reasonable cause for a new trial since it was obligated to disclose it under the state and federal constitutions and based upon a prior discovery order of the trial court.

64. The discovery of the Morganti sketch after the jury verdict resulted in Mr. Skakel suffering an injustice.

65. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

SIXTH COUNT

1.-60. Paragraphs 1-60 of the Fifth Count are hereby realleged as paragraphs 1 through 60 of this Sixth Count.

61. In 1992, eight years prior to the Petitioner's arrest, the lead investigator at the time, John Solomon, prepared two "profile reports" – one for Kenneth Littleton and one for the Petitioner's brother, Thomas Skakel.

62. These profile reports contained incriminating evidence pointing to each as the possible killer of Martha Moxley.

63. At trial, Solomon testified that he had prepared the report in 1992 and included most of the important information that had made Littleton a suspect.

64. The Littleton report consisted of forty-three (43) pages.

65. Petitioner's counsel asked the trial court for a copy of the report during his examination of Littleton, but the court denied the request.

66. The State never disclosed the reports despite the Petitioner's pretrial discovery motion that sought all exculpatory information including any evidence that someone other than the Petitioner was involved in the commission of the murder.

67. The Littleton and Thomas Skakel profiles were exculpatory and favorable to the Petitioner because they would have assisted him with his claim that he was not the killer.

68. The profile reports were suppressed because they were not produced to the defense despite a specific request for the type of information contained in the profile and despite a discovery order, and they were material.

69. Pursuant to Section 52-270 of the Connecticut General Statutes, "The superior court may grant a new trial of any cause that may comes before it, for … the discovery of new evidence --- or for other reasonable cause….".

70. The profile reports constitute newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could they have been discovered by the exercise of due diligence; they would be material on a new trial and not merely cumulative, and they are likely to produce a different result in a new trial or in any reasonable likelihood have affected the judgment of the jury.

71. The failure of the State to provide copies of the profile reports to the Petitioner prior to the trial constitutes reasonable cause for a new trial since it was obligated to disclose them under the state and federal constitutions and based upon a prior discovery order of the trial court.

72. The failure of the State to disclose the profile reports resulted in Mr. Skakel suffering an injustice.

73. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

SEVENTH COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Seventh Count.

18. Based upon information and belief, the State has failed fulfill its constitutional obligations to disclose all exculpatory information in this case, including but not limited to the information previously alleged in the Second and Third Counts, and information that a critical witness's drug treatment was paid for by the State prior to the trial.

19. Based upon information and belief, the undisclosed exculpatory information constitutes newly discoverable evidence that was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and not merely cumulative, and it is likely to produce a different result in a new trial or in any reasonable likelihood have affected the judgment of the jury.

20. The failure of the State to provide all exculpatory information to the Petitioner prior to the trial constitutes reasonable cause for a new trial since it was obligated to disclose this information under the state and federal constitutions and based upon a prior discovery order of the trial court.

21. The failure of the State to disclose all exculpatory information resulted in Mr. Skakel suffering an injustice.

22. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

EIGHTH COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Eighth Count.

18. Based upon information and belief, the Petitioner's conviction is based upon jury misconduct, including but not limited to the information previously alleged in the Fourth Count, and information that a juror may have been influenced by relationships.

19. The information contained in this Count was not available to the Mr. Skakel or his counsel during the trial or during jury deliberation and was not discoverable at that time.

20. The information contained in this Count constitutes newly discovered evidence and demonstrates that Mr. Skakel did not receive a fair trial.

21. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

NINTH COUNT

1.-17. Paragraphs 1-17 of the First Count are hereby realleged as paragraphs 1 through 17 of this Ninth Count.

18. Based upon information and belief, the Petitioner is conviction entitled to anew trial based upon newly discovered evidence, including but not limited to the information previously alleged in the First Count Through the Eighth Count.

19. This newly discovered evidence was not available to the Petitioner or his counsel at the time of his trial, nor could it have been discovered by the exercise of due diligence; it would be material on a new trial and is not merely cumulative, and is likely to produce a different result in a new trial.

20. The jury verdict resulted in Mr. Skakel suffering an injustice.

21. Therefore, since the verdict and judgment against Mr. Skakel are unjust and his imprisonment is illegal, reasonable cause exists for a new trial.

WHEREFORE, the Petitioner requests the following relief:

1. An evidentiary hearing;
2. A new trial; and,
3. Such further relief as this court deems just or equitable.

THE PETITIONER,
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