

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
	:	
v.	:	
	:	
PETER J. MURPHY,	:	January 8, 2009
Respondent.	:	

**MOTION FOR HEARING TO SET BAIL**

Pursuant to the Fifth, Sixth, and Fourteenth Amendments to the Constitution of the United States, the Defendant, Michael Skakel, moves for a hearing and the setting of bail for the following reasons, which are further articulated in the accompanying memorandum in support of this motion:

1. The instant Petition raises the State's failure to disclose exculpatory information as one of a number of exhausted issues.

2. On or about early November, 2008 the undersigned counsel received information that a Madison, Connecticut police officer forwarded a report dated June 23, 1993 to a Greenwich police officer. in which one or more additional suspects were identified in connection with the October 30, 1975 murder of Martha Moxley.

3. The report contains a letter from Julia Wilson, the sister of Andrew D. Wilson, in which she describes her brother's serious mental illness and his accusation that Dirk Peters murdered Martha Moxley. The report received by the Greenwich Police Department preceded Andrew Wilson's murder of Dirk Peters' father, Jack Peters, on August 5, 1993. On October 30, 1975 Andrew Wilson was approximately 15 years old.

4. In *State of Connecticut v. Andrew D. Wilson*, 242 Conn. 605 (1997), the Connecticut Supreme Court reversed and remanded the conviction of Andrew D. Wilson for the murder of Jack Peters in Greenwich, Connecticut. Jack Peters was shot and killed while he was swimming in his pool in the backyard of his home in Greenwich.

5. The Madison police department report was never disclosed to the defense during the prosecution of Mr. Skakel.

6. The admission of Andrew Wilson would have been admissible under the penal interest exception to the hearsay rule and would have created a reasonable doubt.

7. On or about December 7, 2008, the undersigned counsel received additional exculpatory information that was in the possession of the State prior to trial, yet never disclosed to the defense. On that date, John M. Regan, Jr., an attorney in Rochester, New York, contacted the undersigned counsel and disclosed that at some time in 1998 he was contacted by a State of Connecticut prosecutor regarding its key witness, Gregory Coleman.

8. Attorney Regan has indicated that the 1998 caller identified himself as a prosecutor in Connecticut and informed Regan that he was going to use Coleman in a grand jury proceeding seeking to charge Michael Skakel with the murder of Martha Moxley. Attorney Regan, who previously represented Gregory Coleman and various members of his family for many years throughout the 1990s, had personal knowledge that Mr. Coleman was an incorrigible drug addict who would routinely lie in order to get money for drugs.

9. Attorney Regan was incredulous, and stated to the prosecutor that he hoped that he was not serious about using Coleman's testimony to accuse someone of murder. The man responded by telling Attorney Regan not to worry, that they had plenty of evidence, and that they were going to "get this guy."

10. Mr. Skakel's federal habeas corpus petition represents both the extraordinary circumstances and the high probability of success which supports the unusual remedy to set bail during the pendency of this litigation. See, e.g., Mapp v. Reno, 241 F.3d 221, 226 (2d. Cir. 2001); Grune v. Coughlin, 913 F.2d 41, 44 (2d Cir. 1990); Iuteri v. Nardoza, 662 F.2d 159 (2d Cir. 1981); Ostrer v. United States, 584 F.2d 594, 596 n. 1

(2d Cir. 1978); Ancona v. Lantz, No. 3:05cv363, 2005 WL 839655 (D. Conn, April 8, 2005); Rado v. Meachum, 699 F. Supp. 25 (D. Conn. 1988); Lucas v. Hadden, 790 F.2d 365 (3d. Cir. 1986); United States v. Landano, 970 F.2d 1230 (3d. Cir. 1992).

THE PETITIONER,  
MICHAEL C. SKAKEL

By \_\_\_\_\_  
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## **CERTIFICATION**

I hereby certify that on January 8, 2009, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

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