

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner	:	Case No. 3:07 CV 1625 (PCD)
	:	
v.	:	
	:	
PETER J. MURPHY,	:	December __, 2008
Respondent.	:	

**AFFIDAVIT**

I, Michael Sherman, being duly sworn, depose and say:

1. I am over 18 years of age and understand the meaning of an oath.
2. I am a member of the Bar of the State of Connecticut.
3. I served as trial counsel for Michael Skakel in connection with the Moxley murder case.
4. I have reviewed the affidavit provided by Gregory Coleman's former lawyer, John M. Regan, Jr., Exhibit A hereto.
5. Had I had the information concerning Mr. Coleman provided by Attorney Regan I would have used it at the probable cause hearing when I cross-examined Coleman and at trial.
6. At trial I would have called Mr. Regan and elicited from him his opinion regarding Coleman's reputation for truthfulness.
7. Mr. Regan describes the person he provided information to regarding Coleman as a "prosecutor". I believe it was not a prosecutor but instead Frank Garr the lead investigator. Garr was the principal person who interacted with Coleman.
8. I would have called Garr at trial to testify whether he knew Coleman was described by his own lawyer as dishonest and deceitful and that no one would put the slightest confidence in his contentions concerning the supposed admission of Michael Skakel.

9. The information from Attorney Regan, together with Garr's "book deal" may very well have allowed the jury to conclude that this exculpatory evidence was being withheld from the defense in an effort to convict Michael Skakel, regardless of his possible guilt or innocence.
10. In the course of my representation of Michael Skakel I was supplied copies of police reports generated by law enforcement from the date of the homicide running through the 1990's.
11. I was never provided with the reports attached hereto as Exhibit B.
12. Had I been provided with the reports and became aware of the following paragraph my trial strategy would have been different and based upon what I know of the State's evidence and information I have been provided about Andrew Wilson, the jury, in my judgment, would have found the Defendant not guilty or there would have been a hung jury. The paragraph reads as follows:

"Andrew's June 30 conversation with brother Ted Wilson, Ted describes Andrew as vicious, swearing 30 seconds into the conversation, proclaiming what a shitty brother Ted was, what a shitty father Tom Wilson was. Andrew charged Dirk Peters murdered Martha Moxley (an unsolved Greenwich murder dated approximately 1977). During this conversation he also stated he "knows Dirk killed the girl even though Dirk passed a lie detector test." Andrew blamed Ted and his father for letting him associate with the murderer, that Andrew was killed as a boy and these manipulators got hold of him. Andrew further states, "this is a point of no recovery and pretty soon everyone will know the truth...and that soon this will be taken to a new level."

13. Based on the foregoing paragraph and other information provided to me, I would have developed the following evidence regarding Andrew Wilson at Michael Skakel's trial:
  - A. Wilson is a convicted murderer, having shot and killed Jack Peters, while he was swimming in his pool in Greenwich.
  - B. Wilson has a long history of mental illness.
  - C. At the time of the murder Wilson was 6'4 and weighed over 270 pounds.
  - D. On the date of Martha Moxley's murder, October 30, 1975, Wilson was a resident of Greenwich and attending a secondary school outside of Philadelphia.

- E. Wilson attended high school in Greenwich.
  - F. His yearbook photograph depicts a strong young boy with an interest in hockey and "dog fighting".
  - G. Whoever killed Martha Moxley was a strong individual who embedded the shaft of a golf club in her head. At the time of the murder, Michael Skakel was small and skinny.
  - H. Wilson knew or knew of Martha Moxley, her brother John and other friends of John Moxley.
  - I. Wilson was not a regular visitor to Belle Haven, which would account for the fact no one mentions seeing him on the night of the murder.
  - J. Wilson had no problem identifying photos of Martha Moxley when they were shown to him by one of Skakel's investigators.
  - K. The fact that Wilson in 1993 brought up the Moxley murder with his brother Ted Wilson, and to blame Dirk Peters, the son of John Peters, the person Wilson murdered raises grave suspicions. The defense would have argued that he did this in an attempt to shift any blame for the Moxley murder from himself to another individual.
14. Connecticut's one-man grand jury statute requires exculpatory evidence to be submitted to the grand jury.
15. Had I been given the written report in Exhibit B when the grand jury convened I would have attempted to determine whether Wilson was in school near Philadelphia on the night of the murder. The passage of time, however, may have made that task impossible.

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Michael Sherman

Subscribed and sworn to before me on this \_\_\_\_\_ day of December, 2008.

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Notary Public/Commissioner of the Superior Court