FST CR00-135-792-T

STATE OF CONNECTICUT : JUDICIAL DISTRICT OF

: STAMFORD/NORWALK

V. : AT STAMFORD

:

MICHAEL SKAKEL : AUGUST 27, 2002

DEFENDANT'S MEMORANDUM IN AID OF SENTENCING

SUBMITTED BY,

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DEFENDANT'S MEMORANDUM IN AID OF SENTENCING

I. Introduction

The Defendant, MICHAEL SKAKEL, submits this memorandum in aid of sentencing scheduled for August 28, 2002 at 10:00 a.m. Mr. Skakel, who currently is 41 years old, was convicted of a murder that occurred when he was fifteen years old.

The undersigned counsel respectfully submit that the unique facts and circumstances present in this case, as well as Mr. Skakel's well-documented history of community service and dedication to Alcoholics Anonymous, his prior placement for two years to the abusive Elan Institution during his teen years and his responsibilities to his young son support the minimum sentence authorized pursuant to the 1975 sentencing scheme.

II. Argument

The Particular Facts And Circumstances Of This Case, Including Mr. Skakel's Extraordinary Rehabilitation, His Commitment To The Principles Of A.A. For The Past Twenty Years, His Age At The Time Of The Offense And Other Compelling Considerations Warrant This Court To Sentence Mr. Skakel To The Minimum Period Of Ten Years As Permitted Under The 1975 Sentencing Statute.

A. Introduction

The sentencing court, in arriving at a sound and fair sentence, needs to give consideration to the objectives of sentencing. According to Arthur W. Campbell, the immediate objectives of sentencing are as follows:

- (1) the protection of society;
- (2) the deterrence of crime both generally and specifically;
- (3) the possibility of rehabilitation; and
- (4) punishment or retribution for wrong doing.

Arthur W. Campbell, <u>Law of Sentencing</u> 17 (Second Edition 1991). The ABA <u>Standards for Criminal Justice Sentencing</u> (Third Edition, 1994) suggest that the sentence imposed should be no more severe than necessary to achieve the societal purpose or purposes for which it is authorized. <u>Id.</u> at 219. The sentence should be the *least severe* sanction necessary for the purpose for which it was imposed. It is therefore necessary for the sentencing court to consider case-by-case reliable information that will help determine what level of severity of sanction to impose on each offender. The ABA Standards also stress the importance of "alternative sanctions" other than total confinement in prisons and jails. The objective here is systematic decrease in reliance upon the total confinement sanction.

A sentencing judge's discretion is another factor that plays a significant role in the sentencing process. A general principle concerning judicial discretion in sentencing matters involving confinement provides that "the sentence imposed in each case should call for the minimum amount of custody or confinement which is consistent with the protection of the public, the gravity of the offense and the rehabilitative needs of the defendant." <u>Id</u>. at 131 (quoting ABA Standards Relating to Sentencing Alternatives and Procedures, Approved Draft § 2.2.). Furthermore, the ABA <u>Standards for Criminal Justice Sentencing</u> have raised another important factor in sentencing determinations which is directly relevant to this case in light of the amount of publicity surrounding Mr. Skakel's case:

Some notorious or highly publicized offenses may excite public outrage, which in turn may interfere with the sentencing court's ability to determine sentences in a calm and reflective way. Sentencing determinations should be free from the pressures of community animus toward offenders.

Id., at 230.

In the present case, the undersigned counsel respectfully submit that society does not need to be protected from Michael Skakel. Based upon the manner in which Mr. Skakel has lived his life over the past twenty years, as well as the voluminous letters presented to the Court in his support, it is clear that Mr. Skakel poses no threat to society. See also, Presentence Investigation Report, at 18. Likewise, Mr. Skakel has lived a life committed to the principles of Alcoholics Anonymous for the past twenty years, which has included assisting numerous people in their quest for sobriety. Thus, Mr. Skakel already has rehabilitated himself.

Thirdly, regarding punishment, Mr. Skakel is, and always will be, self-imprisoned due to the abuse he suffered first as a child, and later as a teenager. No greater punishment could be imposed upon Mr. Skakel than the beatings and abuse he endured while at Elan. His punishment from Elan continues to the present, manifesting itself as post-traumatic stress syndrome which requires daily medication. Additionally, the public dismantlement of Mr. Skakel's personal and professional life as a result of these charges constitutes a punishment that must be considered by the Court. While punishment is necessary due to the gravity of the offense, Mr. Skakel already has lived a life filled with punishment.

Finally, Mr. Skakel recognizes that a period of incarceration is mandated by statute in order to further the sentencing goal of deterrence. However, he respectfully submits that

mitigating factors exist to support a minimum sentence of incarceration. The mitigating factors are as follows:

- (1) For the past twenty years, Mr. Skakel has lived an exemplary life, committed to the principles of A.A., to helping others and to being a responsible and loving parent;
- (2) Mr. Skakel endured two years of physical and emotional abuse and torture while "imprisoned" at Elan from 1978 to 1980; and,
- (3) Mr. Skakel was fifteen years old at the time of the murder for which he was convicted and consideration must be given to the sentencing principles towards juveniles in effect in 1975, especially in light of the defendant's difficult upbringing.

B. Mr. Skakel's Background And Social History¹

Michael Christopher Skakel, who currently is 41 years old, was born on September 19, 1960 in Greenwich, Connecticut. He was born in Greenwich Hospital to Rushton and Anne (Reynolds) Skakel. Hospital records indicated that his mother's pregnancy was unremarkable and that he was delivered naturally.

Michael is the fifth of seven children. Other siblings in order of birth include:

- Rushton Skakel, Jr. (age 46), is a graduate of Dartmouth College who is married and residing in Bogota, Columbia with his wife and twin daughters. Rushton's wife is a corporate lawyer who negotiates oil contracts. Rushton is a self-described "Mr. Mom" as he stays home and cares for his daughters while his wife works.
- Julie Skakel (age 45), is divorced and residing with her three children in Darien.

¹ The undersigned counsel sent medical, educational and employment records to Probation on August 16, 2002; however, the initial report was prepared prior to receiving the records. Attached hereto is a copy of the letter sent to Probation detailing the records provided. See Exhibit D, at 155. Please note that the undersigned counsel is still awaiting the receipt of records from several institutions.

- Thomas Skakel (age 44), is married and residing with his wife and three children in Stockbridge, Massachusetts. Thomas, also known as Tommy, works for a ski resort in Massachusetts.
- John Skakel (age 43), is married and lives with his wife and three children in Oregon. John is employed by AFLAC.
- David Skakel (age 38), resides in Mosier, Oregon and is married to Katie Harkins. The couple recently had their first child. David operates a recycling program.
- Stephen Skakel (age 35), resides in New Canaan. Stephen had worked for AmeriCares Foundation of New Canaan for 10 years. In November 2001 he left and is planning to start his own business. Stephen earned his Bachelor's degree from Manhattanville College and since graduating has taken graduate courses at the University of Pittsburgh and New York University. While working for AmeriCares as the Executive Vice President of Operations Stephen initiated immediate response to the World Trade Center attacks. He coordinated medical supplies and physicians to the Ground Zero site. Moreover, he went to Kosovo, the Balkans, Afghanistan, Somalia and Russia among many other countries assisting with humanitarian aid. While in Bosnia he was accompanied by Henry Lee, PhD., and Michael Baden, M.D. working to identify war victims from mass graves. Michael Skakel also assisted AmeriCare helping his brother deliver aid to the Dominican Republic after a hurricane destroyed parts of the country in 1999.

Michael's siblings recalled that their parents were frequently absent in the home during Michael's early childhood development. His older siblings reported that after Michael was born, his parents left on vacation. At dinner, when the parents were home, the children ate in another room separated from their parents. Vacations were also a time of being cared for by caregivers other than their own parents. Julie Skakel stated, "Our father expected us to be 'not seen' and 'not heard' which was an impossible task for seven active children." Exhibit A, at 5. Other siblings reported that the parents often left the children in the care of Ethel Jones, the housekeeper, or Margaret Sweeney, an older woman who also helped care for the children. Ms. Sweeney has since died, however, Ethel Jones, who is in

her late 70's, currently lives in Georgia. Both women served as Michael's surrogate mothers during his early childhood years. Oftentimes he went to them for emotional comfort and protection. Ethel Jones wrote a letter attached hereto at 122 indicating that she has known Michael since he was 8 months old.

Michael's father served as Chairman of the family business, Great Lakes Carbon Company. His grandfather started the business that sold chemical coke to companies for blast furnaces and later expanded into real estate buying large pieces of property in California. Some of the property in California was later developed and sold for shopping centers. The business became very profitable, resulting in financial wealth for Michael's grandfather and his father.

His grandfather had the business acumen that led to his personal success and the expansion of his business. In 1957, while Michael's grandfather and grandmother were passengers on a company owned plane, the plane exploded shortly after take off and they were killed. After the tragic death of Michael's grandparents, the family company was turned over to Michael's father who did not seem to relish the role nor had the same skill and talent to run the business. Apparently, his father grew exceedingly unhappy in his role running the family company. Over the years the company's profits declined and it was eventually sold in the early 1990s.

Michael's father's alcohol use seemed to ebb and flow with his overall discontent. During these times, the Skakel siblings remember that Michael and his brother Tommy incurred the brunt of their father's wrath. Michael was especially vulnerable to his father's beatings because he was very active as a child — loud, messy and gregarious. Michael was

oftentimes summoned by his father to a room in their home where he would proceed to beat him with a hairbrush. His father never needed a reason to carry out the beatings, according to family members. This type of abuse was carried out numerous times during Michael's youth, to the point that he often slept in his closet. His sister Julie described other incidents of physical abuse toward Michael. She recalled when Michael was about 6 years old -after a Christmas play --- their father kicked Michael repeatedly as their mother tried to intervene. Julie described their father as a "rage-aholic" whose drinking and abuse of prescription drugs seemingly exacerbated his abusive behavior toward the children. Julie was also a victim of her father's abuse. She described that her father burned her with matches as a punishment for her playing with matches, which is something that was done to Michael as well. Their father was emotionally abusive as well, according to Julie Skakel. After their mother's death in 1972, the father turned to Julie to do help raise her siblings. He would have Julie buy all the Christmas gifts for the kids and family friends. She said she recalled her father telling her to buy the gifts for Christmas and "I hope your buy something for yourself." Julie was a teenager at the time.

Michael's father enjoyed hunting and often would take the children bird hunting. On one occasion after Michael was released from Elan, Michael was with his father and other family friends bird hunting in New York. A bird was in Michael's vicinity when he realized that his father was literally pointing the rifle in Michael's direction. Michael was terrified when his father actually pulled the trigger and fired the rifle at Michael.

Other incidents of abuse came at the hands of nannies that were hired to care for the Skakel children. Many times these nannies locked the children in their rooms as the locks

were on the outside of the doors. Also, according to Julie Skakel the boys were hit with spoons and pots by the nannies.

Julie Skakel recalled that their father would humiliate Michael calling him stupid and lazy. On occasion, their father would say, "I have three failures, Julie, Michael and Tommy." When Michael was four years old he jumped from a bureau in his room at the coaxing of his brother Tommy who had convinced Michael that he could fly. Michael injured his neck and had to be hospitalized. During his time in the hospital, Michael's parents never visited him.

Family tragedy befell the Skakel family in the late 1960s with the tragic death in 1968 of Robert F. Kennedy, who was Rushton Skakel's brother-in-law. The father's brother, George Skakel, was killed in a plane crash the same year. Rushton Skakel's wife, Anne, was diagnosed with brain cancer that year as well. In April 1972, four years later she died.

Anne Skakel's death had a profound impact emotionally on the entire family. Family members described that Rushton and Anne Skakel were very much in love. Anne Skakel seemingly was Rushton Skakel's emotional compass. According to family members, her death left Rushton Skakel with a deep sense of loss and emptiness in his life. Mrs. Skakel's untimely death at the young age of 42 resulted in her husband turning to alcohol and prescription drugs. His substance abuse exacerbated his abusive behavior toward his children. Frequently, he was absent from the home and when he was home he was not there for the children emotionally.

Prior to his mother's death, however, Michael and his siblings realized her suffering and the toll her struggle with cancer was having on their father and the family. During her

illness, Michael's father had all the children attend mass at church daily. John Skakel recalled, "[w]e went to the hospital a lot, and going to Novena masses in the downstairs chapel at St. Mary's became an after school ritual." Letter of John B. Skakel, Exhibit A, at 8. The children prayed for their mother to die to end her suffering, and as adults, they recalled that when she died, they felt tremendous guilt thinking that their prayers caused her to die.²

When their mother died in April 1972, their father informed the children of their mother's death. Their father delivered the message without emotion, almost with a sense of "get over it" and there was no time for grieving. See Letter of Julie Skakel, Exhibit A, at 6 ("We were basically told to deal with it on our own. It was never discussed. We were told never to cry or show emotion, and we never did); Letter of John Skakel, Exhibit A, at 8 (Their father "was simply too devastated to console us kids and attend to how we were supposed to adjust to losing Mom").

After the death of Michael's mother, his father's drinking increased³ as did his anger toward the children, especially toward Michael and Tommy. Julie stated, "[o]ur father was an alcoholic and a rage-aholic which made life that much more difficult for all of us. Life only got worse after our mother died." Exhibit A, at 6. The father was described as having horrific rages that often times resulted in physical abuse. Julie observed that "[s]urviving

² Michael's brother, Tommy, made the following observations about this in his letter. He wrote: "The week she died, I prayed that God would take her and stop all of the suffering that she was enduring. God did take her and I thought I was responsible for her death. I thought that I was not only a bad Catholic but a terrible person for hoping that God with his complete wisdom, would see the suffering and stop it, he did. Years later I learned that Michael felt the same way, as well as other members of my family, responsible for mother's death. That in itself is a very heavy cross to bear." See Letter of Thomas Skakel, Exhibit A, at 42a-42b.

our upbringing was no easy task, especially for Michael. I think Michael bore the brunt of our father's wrath simply because he was the most visible." Exhibit A, at 5. The incidents of rage mentioned above continued to increase in frequency and he became increasingly removed emotionally from the children.⁴ Mr. Skakel, Sr. was hospitalized on several occasions for alcohol abuse.

According to Julie Skakel, Michael was very close to his mother. Her death had a noticeable impact on him as well. Long-time family friends observed: "Michael was such a playful loving child ... but with the death of his mother, poor Michael felt it to his deepest insides." Exhibit C, at 123. As mentioned above, Michael was hyperactive as a child. His concentration at school, according to records, corroborates this fact. Even though he was considered in the above average range of intellectual ability, school records report that his grades did not reflect his potential. For example, while attending the Brunswick School in 1969, school teachers observed his behavior as follows: "Michael is a nice looking child who is friendly and communicative. His voice tends to be too loud when he is excited. He seems to lack the ability to concentrate on unpleasant tasks...His overall functioning mental ability is in the bright range...he is relatively weak in visual alertness and recall of digits, indicating poor attention and powers of concentration." Other school records, dated 1974, about two years after his mother's death, present a picture of a young boy who teachers

³ John Skakel noted, "Dad's drinking became very heavy over the next several years. His availability as a father dissolved and he came to rely on others for nearly all decisions having to do with his business and family." Exhibit A, at 8.

⁴ In fact, Michael's maternal aunt remarked: "Michael's father was overwhelmed with grief, often turned to alcohol, and seemed unable to provide needed support during and after this ordeal. May I ask you to let this shed light on what happened when Michael was young and move you to be merciful." Letter of Mary Ellen Reynolds, Exhibit A, at 23.

described as "a youngster who needs much support and acceptance before he can perform in a positive way, particularly learning where he has not had a good experience. The loss of his mother was keenly felt by Michael, and at times the home environment does not provide support that he needs so badly."

His brother, John, who is only one year older, recalled that after their mother died, "[w]e were left largely to fend for ourselves. The rule seemed to be if you stayed out of trouble, you could avoid Dad's temper. ... Dad was frustrated by the frequent challenge of selecting a new school that would accept Michael. Dad looked at Michael's educational difficulties more and more as a behavioral issue, a voluntary choice to misbehave. Michael became more the subject of Dad's anger as his pattern of school problems continued." Exhibit A, at 9.

Michael attended the Whitby School (Montessori) in Greenwich during his first years of school. He then transferred to St. Mary's School in Greenwich completing the 3rd grade. He was placed at the Person's School, a private school for learning disabilities in Norwalk where he remained for a brief time. He attended the Brunswick School in Greenwich for grades 5 through 8. Thereafter, he was enrolled at St. Mary's High School, staying for less than a year. Michael stated that a teacher told him he was "stupid" which was a factor in his leaving the school. He attended the Whiteman School in Steamboat Springs, Colorado where his grades were poor. In the mid 1970s, he attended Vershire School in Vermont where he had failing grades. In March 1978, after being involved in a car accident in Windham, New York, his father sent him to the Elan School in Maine. Michael's siblings recalled him being kidnapped by men who threw him in a car.

Michael was at Elan School for two years from ages 17 to 19 completing the program in 1980. He was graduated from their high school, Pinehenge School, receiving a diploma dated December 21, 1979. The Elan Program's techniques of discipline and treatment that included humiliation and breaking down these young people were seemingly draconian at best. Michael ran away from the program twice because of the abuse he was subjected to, abuse that included being pulled by the hair on his head by staff at Elan, cleaning the floors outside in the cold and dampness of fall and winter months without proper clothing, being humiliated by staff and fellow residents, physically paddled and beaten and emotionally battered. For a youngster who was abused emotionally and physically by his father and whose learning disability, namely dyslexia, was not diagnosed until the late 1980s thereby exacerbating his overall feeling of low self esteem, the type of treatment he encountered at Elan resulted in permanent damage to Michael's emotional well-being.

In the summer of 1980 after returning home from Elan, Michael went to work for the family business in the computer room in New York City. In the fall of 1980 he entered Bradford College in Haverhill, Massachusetts. He failed at college primarily due to the still undiagnosed dyslexia. He returned to Greenwich and in the following fall applied to Manhattan College in Riverdale, New York. College records indicated that he failed all his courses. Distraught from his many failed attempts in school, Michael's substance abuse increased. Although Michael also abused drugs, he primarily was abusing alcohol.

After years of abusing alcohol, Michael seemed to be at the bottom of his young life.

He was distraught emotionally and believed he had failed at everything he tried to do. His

efforts at education all were met with failure, even though test results indicated that he was above average intellectually. His emotional quotient was at its all time lowest level as his young life had been met with failure, emotional abuse from his father and horrific memories of the two years at the Elan School. Alcohol and drugs were his way of self-medicating from the pain.

On October 25, 1982, however, at age 22, Michael got sober after having a spiritual experience. He saw blackness and death and he heard a voice essentially asking him whether he wanted to live this way and die or change his life entirely. Michael went to visit the grandmother of his neighborhood friend, Peter Ziminsky. Michael felt comfortable with his friend's grandmother, Mrs. Mannix, and told her about hearing the voice and that he was an alcoholic. On that day, Michael started his sobriety and has been sober since. In October 2002 he will have been sober for twenty years.

After October 25, 1982, Michael went to AA for about three months and then sought advice from a Catholic priest who had tried to help Michael's father with his alcoholism. The priest advised Michael to go to St. Mary's Rehabilitation Center in Minneapolis. Michael began treatment at St. Mary's (now Fairview) in February 1983. After a one month in treatment at St. Mary's, he was referred to a halfway house in Minneapolis where he stayed for about three weeks. He then rented an apartment near St. Mary's for the summer of 1983. During this time he lived a Spartan existence as the apartment had little furniture and he had little money to buy food. He attended AA meetings and was treated by a psychiatrist who was recommended by St. Mary's. After the summer of 1983 Michael returned to Greenwich where he stayed for a short time.

Sometime in the fall of 1983 or Spring of 1984, he interned for Families in Crisis in Minneapolis. He sat in on the interventions and tried to do some fund-raising for the group. He also enrolled in college classes at the University of Minnesota. In 1984 he returned to Connecticut and felt he needed to do more in his recovery process. He spoke to Mrs. Bernadette Coomaraswamy, a family friend and an attorney who is currently a magistrate in the State of Connecticut court system. Mrs. Coomaraswamy put Michael in touch with the crisis intervention team for children with the Greenwich Police Department. Mrs. Coomaraswamy also introduced Michael to Mother Theresa. He worked at a homeless shelter in the Bronx as a result of the meeting. During this time period, 1984-1985 Michael became involved with the Freedom from Chemical Dependency (FCD) program that was based out of Boston. He went into classrooms in Darien, New Canaan, and Greenwich speaking to the young students, parents and teachers about substance abuse. Michael wanted to work for the FCD group but failed the written exam, as his dyslexia still was undiagnosed. Also during this time frame Michael became involved with ACOA (Children of Alcoholics) and was responsible in having his cousin, Congressman Joe Kennedy, sponsor a day of recognition for the ACOA.

In or about 1985 Michael formed the Serenity Project, a non-profit group to try and close down the Elan School and institutions similar to Elan. See Exhibit H, at 165. He videotaped Elan with the idea that if he could educate the public of the abuse at Elan, then the school would be closed.

Michael's treatment continued in the late 1980s, and he attended Father Martin's Ashley, a treatment program in Maryland, for about three weeks in 1987. After his

treatment at the Father Martin's program, Michael sought treatment for co-dependency and his continuing efforts in recovery from alcoholism at the Caron Foundation in Pennsylvania. Michael then attended the NYU Film School as well as the School of Visual Arts in New York in order to learn about filming so that he could work on his Serenity Project.

Throughout this time Michael maintained his sobriety and attended regular AA meetings. Also, in or about the fall of 1987 he participated in treatment at the Aqua Retreat Center in Brighton, Massachusetts. Additional treatment records confirm that Michael went to Hazelden in Minnesota participating in the Family Program from December 23, 1990 to December 29, 1990. The Family Program is a five to seven day educational program designed to help family members and friends of chemically dependent people understand the illness of chemical dependency and educate them on available self-help support groups. Furthermore, Michael has been attending a men's AA retreat at the Wilson House in Vermont twice a year since 1994.

In the letters attached to this memorandum, numerous persons attest to Michael's sobriety since October 25, 1982. The claim in the media and by a witness at trial that Michael "fell off the wagon" is simply not true according to numerous character letters and interviews with family and community members. For example, a long time friend, Timothy Collins, the former manager of the musical group Aerosmith, stated in a letter attached hereto as Exhibit C, at 76-79, that he met Michael in May 1994 in Boston during Senator Edward Kennedy's reelection campaign. He and Michael became friends after sharing their experiences in AA and their recovery from substance abuse. In 1997, Mr. Collins and Michael were part of a non-profit group, the International Institute for Alcoholism that

traveled to Russia to help educate and promote AA. Mr. Collins wrote that Michael was sober and in recovery during the trip to Russia. Michael was an integral player and speaker for the group speaking publicly to large groups of Russian educators. Moreover, Mr. Collins and others have come forward attesting to the many times Michael has helped people begin their recovery from substance abuse. During their trip to Russia, Michael related his story of physical abuse at the Elan School and his family history that included physical abuse and alcoholism to Tim Collins. After hearing about the abuse and family history of alcoholism, Tim Collins recommended to Michael to meet with a Cambridge psychiatrist who specializes in PTSD. He also recommended Anacapa By the Sea in Oxnard, California to focus on Post Traumatic Stress Disorder and the origin of Michael's family issues and substance abuse.

While receiving treatment from a psychiatrist in Cambridge in 1997, he was prescribed Zoloft in order to treat the PTSD. He has continued taking the medication over the past years with positive results. In a letter provided to Probation from the defendant's psychiatrist who treated him in weekly to bi-weekly psychotherapy sessions from July 26, 2000 to the end of the trial, she corroborated that Michael suffers from severe Chronic Post Traumatic Stress Disorder (DSM IV 309.81) and that she prescribed Zoloft (100 mg a day) and Wellbutrin (100 mg. a day).

Throughout the early stages of his life, as was previously mentioned, Michael struggled with low self-esteem, failing academically and an overall feeling that he was not capable of performing academically and succeeding in life. It was not until 1986 at the age of 26 that he discovered that he was learning disabled and suffered from dyslexia. He felt

as if a tremendous weight was lifted after so many years believing that he was stupid or lazy. Around this time period, Paul Ziminsky, a friend who he had known growing up in Greenwich, suggested that he contact Deacon Joseph Arsenault of Curry College in Milton, Massachusetts. Curry College is uniquely equipped to educate students with learning disabilities, including those with dyslexia, and is a college that holds national recognition in programs for the bright but learning-disabled student. Michael was accepted at Curry College in 1987 and was graduated in 1992 with a Bachelor of Arts degree in English. In review of his college transcript – which was provided to Probation — he did exceedingly well academically.

In an evaluation report from Curry College prepared by Deacon Joseph Arsenault dated 1989, he wrote: "...Mike is a intelligent, sensitive and aware person who has much to offer. It would appear that he has come to terms with himself and his responsibilities as a college student...". Deacon Arsenault is also a deacon at St. Francis of Assisi Parish and is an assistant professor at Curry College. He worked with Michael through his four years of college acting as his counselor, advisor and teacher. In a letter attached hereto as Exhibit B, at 43-44, he wrote: "...I worked with Michael his entire time at Curry and continued to maintain a relationship with him until the present day. As a deacon of the Archdiocese of Boston I was involved in Michael and Margo's wedding. The Michael Skakel that I know and have come to greatly respect is a man of sincerity, honesty and integrity...His diagnosis of a learning disability came later in his life (what may have been different if it had been recognized sooner!) and once he acquired strategies to deal with his academic work, he became a good student. What is most outstanding about Michael is not his academic

achievements, but the quality of his character..." Deacon Arsenault further stated that Michael helped others to address their substance abuse problems and he was committed to helping others while a student at Curry College and even after he left.

During the late 1980s and while a student at Curry College, Michael became involved with Ski Racing. His skills as a speed skier earned him a position on the National Speed Skiing Team in 1986. He was 26 years old at the time. Among the top ski racers he paired with was C.J. Mueller who was one of the fastest skiers in the world. In fact, Michael was ranked in the top of the world's ski racers at the time. While attending college, living in Quincy, Massachusetts and devoting his free time to world ski racing, Michael earned a position as a member of the World Cup Team. He skied at locations around the world and won trophies for victories as an amateur and as a professional. He was a representative for Swix Wax and Swanee Glove skiing products during this time as well.

With his interest in skiing, he planned a sports marketing business in 1991; however, the business never materialized. Also, at the about same time, he started a company called Team Action with Kasunaga Kusumi, the top ski racer in Japan. See business card, at Exhibit G, 164. They were unable to obtain the necessary financing, and therefore, the business did not succeed.

In 1991 Michael married Margot Sheridan who is the niece of his former lawyer and one of his father's lawyer, Thomas Sheridan. He met Margot in Colorado during a skiing vacation. Margot was a ski instructor. The two lived in Quincy, Massachusetts while Michael was finishing college. In the early 1990s they resided in Windham, New York in a

house owned by Michael's father. It was around this time in 1994 that Michael was asked by his cousin, Michael Kennedy, to join him in Massachusetts to work on Senator Edward Kennedy's campaign for reelection. See business card, attached hereto at Exhibit G, at 164. Michael agreed and he moved to Cohasset, Massachusetts, and commuted to Windham on the weekends to be with his wife. Eventually, his wife joined him in Cohasset.

After the 1994 election, Michael, who had earned his real estate license previously, was offered a job with R.M. Bradley, a commercial real estate firm in Boston. Employment records verified that he worked for the company for about 9 months. In 1995, Michael Skakel was asked by his cousin, Michael Kennedy, to join him at Citizens Energy, a non-profit organization that offers aid to people in underdeveloped countries. Michael became the Director of International Programs. See business card, attached hereto as Exhibit G, 164. He worked at Citizen's Energy for two years. While employed at Citizen's Energy, he visited numerous countries for particular projects, including Angola, Ecuador and Cuba. In fact, Michael's business trip to Cuba is captured in a photograph and article published in the New York Times on February 19, 1996, attached hereto at Exhibit I. The photograph depicts Michael with his cousins and Fidel Castro. The public disclosure of Michael Kennedy's relationship with his babysitter led to a falling out between Michael Skakel and his cousin. Eventually, Michael left Citizen's Energy in 1997.

In a letter attached hereto as Exhibit E, Michael E. Mone, the lawyer who represented Michael Skakel during the criminal investigation of his Kennedy cousin, described his client as an honest and sincere person. Attorney Mone, a prominent lawyer in Boston, wrote that "Michael Skakel acted very honorably in trying to get his cousin to end

the relationship and to see that the young woman received appropriate emotional support and counseling. He was also instrumental in having his cousin receive counseling and at all times sought to protect the victim." Michael was an important witness for the state and during the investigation he acted honorably and truthfully never trying to protect his cousin or minimizing the truth. Even though the investigation was subsequently terminated because the victim refused to cooperate Michael Skakel's cooperation with the authorities was never an issue. Attorney Mone recalled the strength of character that Michael Skakel exhibited as he dealt with family loyalty balanced with what he, Michael believed was right under the circumstances. He said that Michael Skakel was honorable throughout the investigative process.

After leaving Citizens Energy in 1997 Michael worked with the International Institute for Alcoholism as a volunteer. He traveled to Russia with the group in order to bring the message of AA to prisons in St. Petersburg. A prospective job with that organization fell though when Mark Fuhrman's book was released.

During this time period in 1997, Michael and his wife were living in Cohasset, Massachusetts. There was media frenzy surrounding Michael Skakel, which put increasing stress on his marriage. His wife had a miscarriage. Eventually, they sold the house and moved to Florida to live with his father and stepmother. They lived in Florida for two years.

While living in Florida, his wife was teaching golf and going to massage school while Michael was performing odd jobs around the community. He also worked on community service projects including assisting his brother Stephen aid the people of the

Dominican Republic in the aftermath of a devastating hurricane that hit the country in 1999.

Michael assisted in providing care for his father whose health was failing.

While in Florida, Margot gave birth to their son George Henry Skakel on December 7, 1999. After Michael was arrested in 2000, they moved back to Windham, NY in order to be closer to Connecticut. However, due to numerous marital problems, which were exacerbated by the media onslaught following Michael's arrest, Michael and his wife separated in the fall of 2000. They were divorced on September 19, 2001. The divorce decree gave them joint custody of their son.⁵

In letters attached hereto, family members and friends describe Michael's relationship with his son George as loving and caring. During the trial, Michael visited his son on weekends and would talk to him on the phone most days. Since the conviction on June 7, 2002, Michael has not seen his son and is able to call only at certain times during the evening, although the contact has been limited. Since his incarceration, Michael talks about his son and how much he worries about his well-being through a flood of tears.

Exhibit C, at 80.

⁵ Mr. Skakel's divorce attorney, Jean M. Mahserjian, emphasized how Mr. Skakel was able to place the interests of his son ahead of his own during the divorce proceedings. She wrote:

I cannot recall one instance when I had to ask Mr. Skakel to place his son's interests above his own in the context of setting strategy and objectives in his divorce litigation. Mr. Skakel's concerns, objectives, and strategy were always centered upon ensuring his son's safety, future, and emotional and physical health. Although Mr. Skakel and his ex wife disagreed on many issues, Mr. Skakel did not ask me to pursue retribution or vindication towards his son's mother. He asked for a concerted effort towards one end – ensuring his son's well being.

C. During The Past 20 Years, Mr. Skakel Has Engaged In
Extraordinary Service By Helping Other People And By Engaging In
Selfless Good Deeds, He Has Been Committed To The Principles Of A.A.
And He Has Been Extremely Devoted To His Faith And To Being A
Devoted Father To His Young Son.

Michael Skakel is a person who has overcome significant obstacles throughout his childhood and young adult years. His cousin, Mary G. Berner, reflected on some of Mr. Skakel's difficulties:

I am Michael's first cousin and have known him all of my life. I know firsthand how difficult his childhood was. This was in large part because of the long illness and subsequent death of his mother, and the lack of any kind of normal parenting from his father, and compounded by the fact that he has undiagnosed learning disabilities. As a parent of a child with learning disabilities who gets enormous support both from her father and me (and the school she attends), I can't even imagine how difficult it was for Michael to go through his childhood with his disabilities and without the support that is so critical. For most of his formative years he never had even on semblance of any true guidance or support from his father....

<u>See</u> Exhibit A, at 37. Similarly, his youngest brother, Stephen, also summarized the problems that Michael had confronted as a child. He wrote:

I have seen Michael overcome tremendous obstacles throughout his life. He overcame the death of our mother, which hit him particularly hard, as the closest to our mother at the time of her death. Our entire family also had to struggle with our father's despair and withdrawal at the death of his wife, our mother. The day our mother died, we lost both of our parents. I saw Michael's tremendous struggle with dyslexia, which he overcame in his late 20's. Michael's years of undiagnosed dyslexia led him to be labeled a "problem child" due to people calling him lazy and stupid. Michael did not quit. He finished college and became a top-ranked speed skier. He married and became a father.

See Exhibit A, at 1.

His cousin, Robert F. Kennedy, Jr., who wrote that he knows "Michael as well as one person can know another" and that he loves Michael, "as does nearly everyone who

knows him well," also commented on Michael's suffering as a child and his ability to rise above it. Mr. Kennedy made the following observations:

During his short life, Michael has endured unusual suffering. He was a small sensitive child – the runt of the litter with a harsh and occasionally violent alcoholic father who both ignored and abused him. His beloved mother died of brain cancer when he was twelve years old, after that disease imposed four years of terrible agony on her and her family. Michael was a scrawny waif-like child whose debilitating dyslexia made him a failure at school and caused him to be labeled "stupid" from when he first entered the education system.

Many people might be poisoned by resentments after such agonizing experiences. Michael has never given in to bitterness. Instead, he has used these episodes to help and heal others. Michael has an antenna for suffering. He gravitates to its victims and uses gentle compassion and honest dialogue about his own experiences to help heal pain and despair where he finds it.

See Exhibit A, at 26. See also Letter from John R. Berner (uncle), Exhibit A, at 24⁶; and Letter from Elizabeth B. Dowdle (cousin-in-law), Exhibit A, at 39 ("I find it incredible that Michael has not only endured the great difficulties of his childhood, but has rehabilitated himself and gone on to help others and to be an exceptionally loving father. He is a person that consistently demonstrates great empathy for others, even under the enormously difficult circumstances of the last few years"); Letter from Julie Skakel, Exhibit A, at 6 (commenting upon her brother's undiagnosed learning disorder, she wrote, "I think of

Although born to a wealthy and prominent family, he has suffered much in his life. His mother, Ann, who was my mother's sister, died after a long and gruesome fight with cancer, when Michael was in his early teens. His father abused alcohol and was unable to help his own children through a devastating loss. Michael clearly handled that loss poorly. He abused drugs and alcohol. And, as we eventually learned, Michael suffers from a severe case of dyslexia, which I am sure only added to his isolation as a teen.

To Michael's credit, he managed to straighten his life out, mostly on his own. At least 20 years ago, he cleaned himself up. He got his dyslexia diagnosed, joined AA and stopped abusing drugs. Since then, he got married, had a beautiful son, George, and lived a productive life.

⁶ Mr. Skakel's uncle wrote:

Michael who had no choice but to suffer alone. There was no parent present to give any kind of encouragement, much less see the real problem of a learning disorder. It breaks my heart").

Michael Skakel has devoted his adult life to helping other people. In letter after letter, Mr. Skakel's family, friends and colleagues have described him as considerate, compassionate, caring and gentle. He is a selfless friend who has been responsible for reaching out to a countless number of people and either assisting them in their search for sobriety or making a lasting impression on them for his kindness and acts of generosity. For example, his younger brother, David, noted the following:

In contrast to media renderings, Michael is (and always has been) a terrific life-force within our family amidst adversity, dysfunction and loss.

One autumn morning in 1982 I personally awoke Michael, and he declared to me and to himself that he had a drinking problem and that he wanted help. Since that day nearly twenty years ago, Michael founded a life based upon absolute sobriety, honesty, integrity, and humility. Michael has transformed his toughest experiences into an uncanny ability to provide trust and assistance to others when they need it the most. Michael's record clearly reveals a life in the service of others, whether it is seeking alternatives for street gang kids in California, working to reduce hand gun violence in Boston, delivering international medical relief to war zones or natural disasters, or his countless examples of helping people grapple with chemical and alcohol dependency.

During a frigid winter day in the mid-1980's, I was in New York City with Michael walking toward our car. A homeless man sat in front of our car, asking for money. People generally passed him by. I passed him by...Michael stopped and talked to the gentleman, who was quite cold. Although Michael had no money to spare that day, he did open the trunk of our car and pull out his winter coat. Michael draped the coat around the fellow, and sat down and talked with him for a short while. Then Michael gave him a pat on the back, and said: "keep warm". Michael seems less able than I am to ignore the pain or suffering of others. Through example, Michael improved my understanding of both compassion and respect that day.

See Exhibit A, Letter from David S. Skakel, Exhibit A at 11-12. One of Mr. Skakel's long-time friends, Suzanne M. Walsh, a Montessori school teacher from Windham, NY, wrote a lengthy letter in which she described three "random acts of kindness" as typifying "Michael's benevolent nature." She eloquently detailed one incident and even included a color photograph to illustrate her point. She wrote:

On this particular day I'm writing about, when he asked me if I would mind the baby while he ran an errand, he also asked me if I knew what was required for roofing repair. I said I wasn't sure – neither was he, but we came up with some sort of an adequate supply list, albeit an amateur one.

He came home later that day covered in tar – that day and for 10 days thereafter. I asked him what was going on and he wouldn't say just then. But later that week I was running an errant myself outside the gated community of Loblolly, while the baby slept and my husband babysat.

I was coming back through an impoverished section and saw Michael kneeling on the roof of a broken down cement block house, smearing pitch and tar and replacing roof shingles. I stopped, rolled down my window and from the air-conditioned interior of the car called out to him. It was 95 degrees on that particular day – sweltering. Michael waved back and the small elderly black woman who lived there waved and smiled at me as well.

He finally told me that he had often visited with this kind lady – Ollie was her name bringing her groceries, etc. One day he visited her during a torrential downpour, and because it was raining she invited him in, and he entered – something he had

never done before because he was respectful of her privacy and had always sat out in the front yard with her.

As he entered her living room he realized she had a gaping hole in the roof and sides of her simple house through which the rain was pouring as it must've done countless times before. After he had come home that day and asked me to babysit for a few hours, he had gone out and bought the necessary materials to fix her roof and wall himself, although he had no knowledge of roof repair and no income at the time.

Ollie, I came to know, was a sweet-tempered and kind woman - not one to

complain. I learned later she had been a former housekeeper for Michael's father, Rushton, at Loblolly and that Michael had continued to look in on her from time to time after she'd left his father's employ.

All I could think of was that this was my friend Michael, who had all he could handle dealing with raising a baby with the help of an absentee wife, and under the stress and strain of living under the shadowy outcome of a Grand Jury investigation. Yet, unasked – he took the time to see to it that Ollie, his friend, was living more comfortably. He did this in the blistering Florida heat while the rest of his colleagues were playing tennis and golf barely ½ a mile away.

Only Michael Skakel would have done a thing like that. And he wouldn't have told me about it if I hadn't passed Ollie's house that day in October and stopped the car to say hello.

See Letter from Suzanne M. Walsh, Exhibit C, at 51-56; see also photograph at 69.

Another long-time friend, Carol Beck Colmer, who is a 63 year old mother of two attorneys, also disputed the image of Michael Skakel that has been created by the media. She indicated that she "felt compelled to write on his behalf" since "the Michael [she] knows is not the one portrayed by the media." She made the following observations:

Michael Skakel is perhaps the most kind-hearted and generous of individuals with his time and helpfulness. If I, for instance, mentioned that I needed to drain my pond that day, without asking, Michael would be over with his pump, set it up and go! Last year, the mother of my daughter's close friend Laura Mahoney, fell on a boardwalk in Hobe Sound, Fla (out of season with no one around) when along came what she described as the sweetest of men who picked her up, carried her home, bandaged her ankle, made her tea and calmed her until her husband arrived. It was only later that the girls realized that this was our family's close friend Michael Skakel. This is the Michael that we all know.

<u>See</u> Letter of Carol Beck Colmer, Exhibit C, at 72-3 (<u>see also</u> Letter of Suzanne M. Walsh,⁷ Exhibit C, at 58-61 (relates the boardwalk story as well, along with photographs)).

⁷ Suzanne Walsh also related another incident of Mr. Skakel's "random acts of kindess." She stated that found a thank you card post marked West Point around March 2001. Mr. Skakel had stopped on Merritt Parkway after a court appearance and assisted a stranded motorist and his family. Mr. Skakel drove them to their destination – West Point. Exhibit C, at 64. The thank you note from the motorist is attached as Exhibit F.

Andrew L. Hannah, the former Vice Chairman of Americares, has known Mr. Skakel for more than ten years and stated, "[t]he real Michael Skakel is a profoundly different being than the person depicted during the trial. I could not be more emphatic in relating to you that Michael Skakel is honest, has always demonstrated tremendous integrity, and is one of the most generous people I have ever met." See Letter of Mr. Hannah, Exhibit C, at 83. Mr. Hannah also described two occasions when he worked with Mr. Skakel on projects:

Entirely through his own initiative, as Director of International Programs at Citizens Energy, Michael arranged for a donation of drugs to a children's hospital in Luanda, Angola during a visit in 1996 while that country was suffering from a ruinous civil war. After Hurricane George devastated the Dominican Republic in 1998, Michael volunteered to join Americares' response team, arriving the day after the disaster. Michael spent three days without electricity, sleeping in a destroyed house unprotected from the elements. Each morning, Michael awoke with eyes swollen shut from insect bites. Michael's efforts resulted in Americares' successful delivery of some 25 tons of emergency medical supplies.

<u>See id.</u> Ann S. McCooey, one of Mr. Skakel's many cousins, also reiterated his selflessness. She wrote, "I have watched Michael work quietly for those in need, from young people, struggling with addiction, to the elderly, struggling with loneliness. He brings compassion and understanding and a unique warmth that is rarely seen." Exhibit B, at 42; <u>see also</u> Letter from John D. Kousi, Exhibit C, at 93 (68 y.o. quadriplegic who gains comfort from Michael's visits).

Perhaps the biggest obstacle that Michael Skakel has overcome is his addiction to alcohol and drugs. Not only did Mr. Skakel become sober – and remain sober for the past twenty years – he has embraced and lived the principles of Alcoholics Anonymous. Robert F. Kennedy. Jr., who credits Michael with helping him get sober in 1983 and has attended

"hundreds" of Alcoholic Anonymous meetings with Michael, noted the following about Michael's devotion to AA:

I have watched for 20 years as Michael has struggled heroically to overcome his addiction, and the character defects that feed it, in his strivings to become the kind of man God wants him to be. With notable personal strength, he overcame his genetic and cultural burdens and made himself a productive member of society. After getting sober, he went back to school, fought an uphill battle against his dyslexia and graduated from Curry College. Despite his bulk, he is a superb athlete and his hard work and brutal training regimen earned him a seat on the U.S. Olympic Speed Skiing Team. More impressive has been his battle to overcome the hard wiring that dictates that he must drink himself to unconsciousness every day. In October, he will celebrate his twentieth year sober, without any slips. Michael is an aggressively active member of Alcoholics Anonymous. Working the twelve steps of this spiritual program and practicing its principles in his daily life are the centerpieces of his existence.

See Exhibit A, at 27.

In the letters attached to this submission, numerous people have attributed their sobriety to Michael Skakel's efforts, moral support and guidance, while others have observed his efforts, as indicated in the following summary:

- Peter G. Ziminsky (childhood friend): "In my late teens and early twenties I developed powerful addictions to alcohol and drugs. Though I was functioning in the business world of Wall Street, I was always close to death. It was at my grandmother's funeral (Mary Margaret Mannix a great friend and supporter of Michael's) that Michael approached me and told me that I no longer had to live this way (addicted) that there was another way and it was Michael who guided me and supported me on this spiritual path of recovery. I have now been clean and sober for over 15 years and an alive thanks to Michael." Exhibit C, at 115.
- Virginia Skakel O'Neil (cousin): "In the past two decades, I have seen Michael's compassion and generosity countless times. I have seen him shepherd individuals through grueling substance abuse recovery. One of my younger brothers has battled and lost many times with alcohol and drugs. Michael has continually been supportive towards my brother in every attempt at rehabilitation he has tried.

Michael often has put himself aside in order to help another. Michael's passion for helping others to succeed in their struggle against addiction was leading to a discussion with my father about the possibility of opening a treatment center with Michael at the helm. Unfortunately, my father's health began to decline and their dream of a recovery facility vanished with the onset of his illness." Ex. C, at 32.

Deacon Joseph G. Arsenault (Curry College): "The Michael Skakel that I know and have to greatly respect is a man of sincerity, honest and integrity. As his instructor in PAL I was responsible for all aspects of his educational and personal development while he was at Curry. His diagnosis of a learning disability came later in his life (what may have been different if it had been recognized sooner!) and once he acquired strategies to deal with his academic work, he became a good student.

What is most outstanding about Michael is not his academic achievements, but the quality of his character. He was and is passionately involved in Alcoholics Anonymous and was a model to others about addressing issues of substance. He was of great assistance to me with several students who developed serious substance problems. He not only advised me, but actively became involved by meeting with them, encouraging to get help and bringing personally and at his expense to professional help.

This kind of commitment to help others continued after he left Curry. He always maintained contact with me. He sought my support as he made decisions to address painful issues in his own family that needed to be addressed. Some of these decisions he knew would be painful to him not only in a personal way, but in a very public way as well. He chose to make those decisions because he cared about people and he knew that they were the ethically correct decisions to make." Exhibit B, at 43-44.

David B. Hayes (friend): "I first met Michael when I was getting sober in the early 90's. A mutual friend introduced him to me, and he immediately reached out to help me get through this rough period in my life. He was compassionate, he was understanding, and he was always there for me to lean on when I needed a friend. He taught me how to guide a raft down a churning whitewater river. He showed me how to camp. He showed me how to be a friend by being a model friend himself. He has ALWAYS been someone to reach out and lend a hand, and this is why I am asking you to be compassionate on his behalf. He has helped so, so many people, and he brings a wonderfully positive attitude towards everything he does." Exhibit C, at 99.

Shannon Shay Hayden (long-time friend): "In 1984, I had resigned myself to the fact that my older brother was going to die. Strung out on drugs and alcohol, he had just left the volunteer rehab facility my family had worked so hard to get him into. We had done everything we though we could. And I believe he would have died if Michael had not offered his help. ... When I told him about my brother, he offered to help immediately.... Michael provided my parents and me with guidance and support and encouraged us to be strong. He furnished my parents with information about alcohol/drug rehabilitation facilities and was there to meet my brother when his plane landed in Minnesota for him to enter treatment. He would also meet my parents at the airport when they traveled to attend family week (an emotionally exhausting and intense week of group therapy for family and significant others of people in treatment). I truly believe that without Michael's help my brother would not be alive today.

As life went on, Michael and I lost touch with one another. Then, in a very sad turn of events, five years ago – after more than 10 years of sobriety – I discovered that my brother, who Michael had helped back in 1984, had had a relapse. It was a stunning disappointment to my family and me. My brother had since gotten married and his wife was pregnant with their third child. Upon hearing the news, I immediately contacted Michael. And although we had not been in close contact over the past several years and his life was quite full – he was there for my family and me once again. He spent hours on the phone, counseling my sister-in-law, talking things through with my parents and me. He even drove more than two hours each way on two different occasions to visit my brother in the hospital and encourage him to consider a residential rehabilitation program.

I write this letter so that you will know that Michael used these last twenty years well, helping others with no regard to personal sacrifice. He touched my family in an amazing way for which I will forever be grateful. Exhibit C, at 74-5.

- Andrew Ziminsky (life-long friend): "More significantly though was Michael's work in helping me battle addiction. When I realized that I was addicted to drugs and alcohol Michael was there to help. Without Michael's mentoring and guidance I surely would have been sunk.." Exhibit C, at 105.
- Paul Ziminsky (life-long friend): "Michael has helped me more than words can say. He was there to help me get to rehab, which led me to have a chance at Life." Exhibit C, at 137a.
- Constance Freehill Narayanan (former Elan classmate): "I am writing to plead for a less severe sentence for Michael Skakel. I met Michael 23 years ago

at Elan. He was my closest friend there and has remained so since. He is the only person from that horrible school I have remained in contact with.

Michael was instrumental in helping to get my first husband sober. He took him to AA. It was miraculous. I do not think my husband would be alive if it were not for Michael. He is a wonderful father and the kindest most decent person I know." Exhibit C, at 112.

- Peter Wassyng (friend): "We met through a mutual friend in Alcoholics Anonymous. He was one of the first people to put his hand out to me at a very bad time in my life. I will always be grateful to him for his kindness. ... I must say I could not have gotten through my rehab treatment without Michael's support and love. He is still an incredible example of sobriety to me." Exhibit C, at 96.
- John F. Mueller (ski team): "Since I have known Michael, drugs and alcohol have not been a part of his life. He even questioned eating a cheese fondue when we first visited Zermatt. He is generally polite, friendly guy who goes out of his way to help other people. I think his generosity of himself is probably his greatest trait. Michael has accomplished the formidable task of rehabilitating himself from years of drug and alcohol abuse. He has, on his own, turned his life around. Is he a threat to society? On the contrary, I think Michael Skakel is a model for the many selfish people in this world. It was Michael who recognized that my wife is an alcoholic before anyone else and took her to her first AA meeting. She has only recently gotten serious about being sober and now attends meetings almost every day and has not had a drink in more than four months. Michael helped us when our marriage was in crisis. I believe that Michael is a good and caring person. If he did commit this crime, he is no longer that person of more than 20 years ago." Exhibit C, at 106.
- Marianne Carey Hayes (friend): "Michael Skakel has been a good friend to our family for many years and in fact counseled a few of my brothers in dealing with alcohol dependency, when one of my brothers was in a severe state of depression associated with a rare endocrine cancer, Michael Skakel was the one person who could reach him despite his despair." Exhibit C, at 103.
- Thomas A. Carey (friend): "I have known Michael for over twenty-five years. Michael is closest in age to my brother Paul who passed away last year after a long battle with cancer. Paul & Michael had become very close over the years as they discovered they both battled alcoholism. In fact, it was Michael who helped Paul stop drinking over twenty years ago." Exhibit C, at 101.

Stephen B. Skakel (brother): "I am convinced I would not be alive today were it not for Michael's help. I also suffered from Alcohol addiction. Michael is solely responsible for who I am today. Michael was the only family member to visit me at treatment and attend family week. The first few years for me were difficult. Michael was unwavering in his support of me during my initial years of recovery, as he has been for so many other people. Michael spent countless hours helping sick friends and family. He would often visit his friend Paul Carey, who died from cancer, or our cousin Claire, who also died of cancer. He helped his former-brother-in-law when he experienced medical problems by getting him into a hospital and sitting by his bedside. Michael's greatest gift was that of providing hope and laughter. No matter how bad it got, he could always put a smile on your face.

Michael helped my sister in her sobriety. Michael also helped my two stepsisters get sober as well. There are numerous cousins who are sober due to Michael's help. These are but a few examples. I chose not bring more examples due to anonymity.

Helping others get sober has been a guiding force in Michael's life for almost 20 years. Michael traveled to Russia with a delegation for the purpose of introducing Alcoholics Anonymous into the Russian prison system. Once again, the press has tainted this trip with unfounded accusation that he went "off-thewagon". This could not be farther from the truth." Exhibit A, at 2-3.

- Ann S. Dowdle (cousin): "Over the years, my sister, DesNeiges Terrien, has struggled with alcoholism. The last time I was trying to get DesNeiges into an alcohol rehabilitation center, he was, as usual, right there offering to help throughout the ordeal. He is particularly sensitive to alcohol addiction since he himself suffered from it, as have many members of our family." Exhibit A, at 35.
- Anna Mae Skakel (step-mother): "During the past twenty two years I've seen Michael grow into a loving, caring person. He is deeply committed to the AA program. Having helped so many people young and old. This includes my two daughters." Exhibit A, at 17-18.
- David R. Bangsberg, D.D.S. (friend): Michael Skakel has been a mentor in my life since 1987. I am a recovering alcoholic who owes no small portion of my vigorous and successful recovery to Michael Skakel. Many people in this life preach a sermon, Michael shows us a sermon on how to live with honesty, integrity and non-judgmental love for his fellow man and this three-year-old son. Michael was always there for me in my early struggles with my addiction. Without his encouragement I may well have failed in my recovery." Exhibit C, at 85.

- Robert F. Kennedy, Jr. (cousin): "On many occasions, I have watched Michael, following an AA meeting, seek out the most distressed and despairing newcomers to give them encouragement. He shares his own experience, strength and hope and his own battles with despair. I have watched him give his telephone number to many AA newcomers over the years and then spend hours on the phone, or sitting with them in diners and church basements, helping them make it through difficult days. His brutal self-honesty allows fragile and fearful new AA members to confront their own flaws inspired by Michael's open struggles with his own demons and character defects. He always seems to find the right words to inspire recovering alcoholics with courage to face sobriety amid sometimes painful lives. In this sense, through Michael's courageous choice, the years of his torture, neglect and abuse have become Michael's greatest capital assets. He uses these assets to serve others, save lives and alleviate suffering. Michael has tried, sometimes successfully, to make a profession of helping people to access effective and humane treatment programs that will help them escape from their addictions and misery." Exhibit A, at 26-7.
- John B. Skakel (brother): "Helping others to get or stay sober has been a mission for Michael. He has helped several siblings, step sisters, cousins, family friends, and many others. I am coming to learn that the number of people is much larger than I was aware, mostly because he does not advertise his good works. Michael takes seriously the "Anonymous" part of AA, and so he does not call attention to people whom he has helped privately." Exhibit A, at 9.
- Prison volunteer at the Taconic Correctional Women's Facility conducting Narcotics Anonymous (NANA) and Alcoholics Anonymous (AA) meetings. I have also worked with the Youth Division of the Portchester Police Department for 10 years working for underprivileged children and targeted kids. My work with Portchester youths also included training kids for boxing at the Don Basco community center and working with the Portchester Middle School's attitude adjustment class. More importantly, I was Michael's sponsor for a period of time at Alcoholic's Anonymous.

I first met Michael at an AA meeting approximately 14 years ago. It was there that I really got to know Michael on both a personal and professional level. I found him to be an honest and warm human being always willing to help those around him. He has a great insight on life which provides a tremendous service to those that have the privilege to meet him. I have personally seen him take the time to sit with newcomers and offer a friendly hand of support. Michael is a deeply spiritual and religious man who offers comfort to those in need.

Michael's generous nature does not rest with this work with Alcoholics Anonymous. He has opened his home to charitable organizations for several years. He has brought busloads of severely handicapped children to his property to use the pool and other facilities. Through these events, Michael is able to provide a loving and caring environment to these kids." Exhibit C, at 91.

- Timothy J. Collins (friend): "A twelfth step is when two members of Alcoholics Anonymous join together to bring the message of Alcoholics Anonymous to a newcomer or someone who is considering joining Alcoholics Anonymous. Michael's willingness to do this on a moments notice (most of these twelve-step calls are "emergencies", that is the opportunity comes when the alcoholic gets himself in a predicament with the law, hospitals, family trauma, etc. and requires a quick response) and his ability to connect deeply with wide and varied types of people made him a skilled interventionist. He was instrumental in helping several people change their lives in a profound way by surrendering their alcohol compulsion through the Alcoholics Anonymous way of life." Exhibit C, at 77.
- Sean W. Condon (friend): "I met Michael Skakel in the fall of 1996 while I was in the process of finding a drug treatment center for a friend. Trying to find people to help was difficult; Michael was one of the few people who stepped up and that provided comfort, and guidance, during this time. What Michael did was provide service that is one of the main components of the program of Alcoholics Anonymous. In my opinion, service is frequently ignored in present day Alcoholics Anonymous. Michael Skakel is one of the few people that I have seen consistently reach out to other members of AA." Exhibit C, at 86.

Michael Skakel also is someone who "believes in God, is truly a spiritual person, and touches everyone with whom he crosses paths." Letter of Phylis Slye, Exhibit C, at 120. In fact, Father Moy, a Jesuit Priest and very close friend to Michael's aunt, indicated that "[I]t is in the rooms of AA that I think that Michael found God, a relationship that has sustained him through these subsequent years." Exhibit B, at 45. Father Moy, who ministered to Michael as a Priest and as a counselor, and said Mass for him and the

assembled Skakel family during the Court proceedings over the past few years, described Michael as being "a very spiritual person, with a profound sense of his dependence on God." Id. His cousin, Robert F. Kennedy, Jr., offered the following observations about Michael's faith:

Michael's spirituality and religious faith are inspirational to everyone who knows him. He is among the most solidly spiritual people I've ever met. He always carries a rosary and prays it daily. He attends mass daily and his deeply held religious beliefs and faith in God infect every action in his daily life. Yet he lives his beliefs and he practices his religion quietly.

Exhibit A, at 27; see also Letter by Brother Luke Armour, monk of Abbey of Gethsemani, Exhibit B, at 46-7 ("His spiritual aspirations are well-expressed and clearly focused; his commitment to live in the truth is unmistakable)"; Letter of Ann S. McCooey, Exhibit A, at 42 ("Michael has a deep faith in God and a contagious belief that love and acceptance can heal. I have talked with him about spirituality and trust. I am humbled and awed by his daily spirit and his warmth and exuberance").

Finally, Michael Skakel's rehabilitation and contribution to society can best be seen in how he has wholeheartedly and happily embraced fatherhood. Michael's long-time friend, William W. Napier, stated, "[I]t is well known that the focus of Michael's life is his son George. ... George is the center of Michael's universe and Michael is the center of George's." Exhibit C, at 98. His cousin, Ann S. McCooey also indicated that she admired

Bue to the "curious onlookers" who would gawk at him if he attended Church, Michael was forced to erect an alter in his bedroom. See Letter of Stephen Skakel, Exhibit A, at 2. His brother, Stephen, noted that "[t]his was his last place of solitude, a place where he could pray and find peace from the outside world. He instilled this same sense of faith in his son, who he would pray with every night before going to bed. ...Michael's faith is one I simply cannot comprehend. Through so many tests of faith, I would have thrown my hands up long ago. Michael remains true to his faith." Id.

him "in his role as dad. He loves his son George and he is completely devoted to this small boy. Watching them together is both humbling and warming. Any child would be lucky to have Michael as a father." Exhibit A, at 42.

By all accounts, Michael has a special bond with his son. Suzanne Walsh, his dear friend and neighbor in Windham, observed, "George has a deep and abiding love for his father. I've seen that little boy through some tough situation for a child of any age. I've seen him sobbing uncontrollably, literally curled up in a fetal position, retreating as far as possible under the shrubbery at Michael's house when his visitation time with his father had come to an end." Exhibit C, at 67. Father Doyle, a priest in Windham, NY who often observed the exchange that occurred between Michael and his wife, also wrote about George's heart-breaking sobbing that occurred whenever he had to be separated from his father. He wrote: "That little innocent boy George would scream and sob when he had to be separated from his father. He has a very deep and abiding love for Michael, and the repeated separations inflicted on him were almost too much to bear. He would scream wide-eyed, Daddy, Daddy – please don't leave me. Daddy I want you – please help me – over and over again." Exhibit B, at 50c.

Michael Skakel's greatest concern right now is his son's well-being and the negative impact his absence is having on his son. Father Moy stated:

I know that Michael's most intense prayer is not for his own well being, but that God will protect his son, George. There is a wonderful loving bond that exists between this Father and son. When I visited him in prison and Michael told me how he prays to the youngest of the Fatima children, whose name escapes me, to be George's special protector. Michael knows well what the reality of an absent Father meant in his own life and he fears for his young son. I respectfully ask you Judge to take this into account when you sentence Michael.

Exhibit B, at 45. Former Detective James Bleidner, who provided security to the Skakel family furing the trial, commented that "...what has impressed me most about this man was the principal concern he had throughout that time. That concern was and is for his son, George, and the effect that his (Michael's) imprisonment would have on him. I ask you take that concern into consideration when passing sentence on Mr. Skakel." Exhibit C, at 110.

Numerous people have written letters imploring the Court to consider the minimum period of incarceration so that George does not "suffer a lifetime without his father." Letter of Christopher McAndrews, Exhibit C, at 84; see also Letter of John H. McCooey, Jr., Exhibit A, at 29 ("George is a boy who realizes that something very frightening is happening to his father and although he is only dimly aware of its consequences, he is worried for his father, and for himself. He needs Michael. ... For George Skakel's sake, I ask that when you sentence Michael, you remember Michael's simplicity and good nature and be lenient"). Letter of Deacon Joseph Arsenault, Exhibit B, at 44 ("[h]e passionately cares about his son. I plead to you, your honor, for a less severe sentence in his case"); Letter of David B. Hayes, Exhibit C, at 99 ("I don't know what else to say, other than to beg you to please be lenient in your sentencing of a man who has been so wonderful to me, and who is such a model father to the son he loves"); Letter of William W. Napier, Exhibit C, at 98 ("Please do not separate Michael and his son George for long. ... In short, please show mercy on Michael Skakel. If not for him, for his son George."); Letter of Ann Marie Jackson, Exhibit C, at 138 ("Judge, I know what it's like to be without a father. I hope Michael's son never has to go through life without his father. Please be lenient with his sentence").

Letter after letter implores the Court to consider the positive cumulative impact that Michael Skakel has had on the community over the past twenty years and to consider acts of kindness, his commitment to God and his devotion and responsibilities as a father to his son, George. Therefore, based upon the exemplary history and characteristics of Mr. Skakel and the fact that there is no need to protect the public from him, the appropriate sentence that will provide "just punishment" is a minimum sentence of ten years.

D. Mr. Skakel's Two Year "Imprisonment" At The Elan School Where He Was Subjected To Physical And Emotional Beatings That Have Resulted In Permanent Damage To His Mental Health Warrants Consideration And Supports A Minimum Sentence.

As noted by the State in its summation, Elan had "a concentration camp type atmosphere", (Tr.6/3/02 at 17), "equivalent to the lower circles of hell." (Tr.6/3/02 at 19)., and run by Joe Ricci, "a monster." (Tr.6/3/02 at 130). Based upon the evidence presented at trial, there can be no doubt that Michael Skakel was beaten, paddled, humiliated, and emotionally tortured during the two year period he was at Elan. He was deprived of sleep (Testimony of Alice Dunn, Tr.5/17/02 at 80, 98); forced to wear a sign and dunce cap (Testimony of Michael Wiggins, Tr.5/23/02 at 177; Testimony of Sarah Petersen, Tr.5/23/02 at 125), and subjected to "long hours of torture" (Testimony of Sarah Petersen, Tr.5/23/02 at 122). Sarah Petersen testified as follows:

I watched a general meeting with Michael and he was confronted ... He was put in a boxing ring, I would say four, five six rounds. ... They a re all standing around you, somewhere between 30 and 100 people, screaming at you, spit flying right in your face. It's really horrible. And then if he is still going, I didn't do it, then I saw him also get in the same meeting spanked, probably about 20 hits. ... Not with your hand, they had a board that had holes in it so they could really catch air. And they would hit you, like the biggest men in the house would hit you. I saw people beaten very badly.

Tr.5/23/02 at 123. See also Testimony of Charles Seigen, Tr.5/16/02 at 90; Testimony of Angela McFillan, Tr.5/24/02 at 10-17; Testimony of Alice Dunn, Tr.5/17/02 at 40, 58-9, 80-86, 94, 98, 102-104.

Michael's brother, John, has made the following appropriate request of this Court:

In sentencing Michael, please consider that Michael spent two long and lonely years at Elan, enduring constant intimidation and beatings. No person deserves to be treated the way my brother was punished during those two years.

See Exhibit A, at 10. Similarly, his friend Peter Wassyng also noted that "[h]e has already been through an incredible ordeal at the Elan School and from his upbringing in a dysfunctional family." Exhibit C, at 96.

Accordingly, the Defendant urges this Court to consider the punishment that was imposed upon the Mr. Skakel in 1978 through 1980 while he was at Elan, as well as the life-time damage that was caused by the abusive treatment when imposing sentence in this matter.

E. Mr. Skakel Was Fifteen Years Old At The Time Of The Murder For Which He Was Convicted And Consideration Must Be Given To The Sentencing Principles Towards Juveniles In Effect In 1975, Especially In Light Of His Difficult Upbringing.

The Defendant respectfully submits that this Court should consider both his age and background at the time of the offense, as well as the sentencing principles that were in effect in 1975 for juveniles. Barbara MacDonald Adler, a long-time family friend, made the following telling observations:

Imagine a household filled with children, excess money and no one and I mean <u>no</u> <u>one</u> to guide these children. Life of the privileged is not always what one assumes.

Every one of these kids would have traded their lives for that of any one of us just to have their mother with them. Michael was not that fortunate.

Please, your Honor, as you impose sentence please consider that Michael was a child at the time of this tragedy. Easy for all of us to sit here looking at his man today and judge his alleged actions as a man and not a child. Please do not loose sight of the fact that he was fifteen when this occurred. Please do not be harsh on what seems to be the "privileged" for I see no privilege in being a lost child.

See Exhibit C, at 125-127; see also Letter from Pamela Burton, Exhibit C, at 97 ("I am writing on behalf of Michael Skakel and to ask if, when wrestling with this most difficult decision of his sentencing, that you might consider the sensitive, frightened and abused child that was Michael as a boy ... Won't you please, in your wisdom and compassion, consider all he's been through already and show leniency when sentencing him").

Additionally, another family friend also commented Michael's youth at the time of the crime. Marianne Carey Hayes wrote:

It is very hard to equate the person we have all known for many years with this brutal murder. If, as the jury has found he is guilty, it is clearly the act of a disturbed youth. Had Michael been held accountable and punished at time of the crime he most likely would have been institutionalized far more effectively than the treatment he received at Elan. For Michael to be harshly sentenced as an adult to serve years in prison with hardened criminals would further this tragedy and the effect on his innocent young son would be devastating. I therefore appeal to you to be lenient in the sentencing of this case.

See Exhibit C, 103. Likewise, Father John R. Sachs, a Catholic priest who has known Michael Skakel ever since he was a little boy, also offered the following comments:

I have not been in contact with him for many years now, but it is precisely in virtue of my knowledge of him when he was young that I write to urge you to be lenient as you decide upon his sentence. It seems to me that even though he has been tried as an adult; even though it is an adult whom you have seen before you, we cannot forget the fact that he stands convicted of a crime committed when he was a boy. I knew that boy; our families were friends. I still remember the many Thanksgivings we spent together. I can still remember playing with him on the beach, just a boy.

I beg you to try to imagine that boy as you determine the sentence. He was a boy then, not the man whose pictures we have all seen in the papers.

Perhaps you could consider sentencing him to the comparable amount of time he would have served then as a juvenile, but to be served now as an adult in an adult correctional facility. I pray that somehow you will find a way to serve justice and show mercy.

Exhibit B, at 48.

Finally, the Defendant hereby submits a Memorandum prepared by Clinton J.

Roberts, Alternative Sentencing Consultants, Inc., in which he investigated and provided information about the indeterminate sentencing structure that was in effect in 1975. He also provided a perspective to the statutory sentencing range for offenses in 1975. His report is attached as Exhibit J. Mr. Roberts interviewed Attorney George Oleyer, the Public Defender for the Juvenile Court in Bridgeport. Attorney Oleyer has over 25 years of professional experience defending persons in juvenile court criminal matters and has represented juveniles charged with murder. Mr. Roberts submitted the following information in his report:

Attorney Oleyer is a Public Defender in Juvenile Court in Bridgeport where he has been representing juveniles in criminal cases since 1977. Attorney Oleyer did not identify the specific names of his clients due to the nature of the juvenile proceedings however he referenced the cases in general terms and provided a case scenario. He stated that it was not unusual for a court reviewing a murder case that occurred in or about 1975 to decide against transferring the case to adult court. In cases where the juvenile had been charged with murder and when the juvenile presented with mitigating facts such as first time offender, no prior commitment to residential treatment and care facilities (i.e. Long Lane) or other prior placement by a juvenile court to a residential treatment program and where the court agreed upon hearing argument that the juvenile was amenable to treatment, the court, according to Attorney Oleyer would likely adjudicate the offender delinquent and refer to a suitable treatment and care program. In fact, at the time of the instant offense, according to Attorney Oleyer, it was the rule rather than the exception that a juvenile court would not transfer a juvenile offender charged with murder to adult court. This

case scenario was especially true in cases where the juvenile offender had no past criminal record and where there were mitigating factors including meeting the criteria that the juvenile had not had any prior unsuccessful commitments to residential treatment programs and was considered by the court to be amenable to treatment.

Furthermore, Attorney Oleyer stated that it is most probable that a mitigation argument would have been made in behalf of Michael Skakel. The reason being included the fact that he was 15 years old at the time of the offense and that he presumably met the other conditions, that he had no prior criminal record and arguably was amenable to treatment. Attorney Oleyer further stated that he did represent juvenile offenders charged with murder who met the amenability standard, as one would have argued in the case of Michael Skakel. Attorney Oleyer recalled that the juvenile court in murder cases that occurred in or about 1975 did impose an alternative sentence in lieu of incarceration that would include residential treatment geared toward the rehabilitation of the youth.

In the State of Connecticut at the time of the instant offense the Department of Children and Youth Services (DCYS) were recommending the Elan School for many of their troubled youth, including those charged with murder, according to Attorney Oleyer. The Elan School became one of DCYS's preferred programs and thereby a standard referral of the juvenile courts, because it was a long-term residential program that provided intensive treatment and was highly structured. Simply put, it was tantamount to a prison. As a former State of Connecticut Probation Officer the undersigned recalls that the Elan School was considered a place of last resort.

Also, Attorney Oleyer stated that there would have been "a substantial likelihood that the court would have bought the plan" for placement of Michael Skakel at the Elan School had his case been heard by the juvenile court in 1975. As the sentencing court is aware, the Skakel family sent Michael to the Elan School in 1978. Michael spent two years at Elan and completed the program.

In its decision regarding transferring the instant matter from juvenile court to adult court dated January 31, 2001 the Juvenile Court wrote "there is no available or suitable state institution designed for the care and treatment of children which the Juvenile Court could commit the, now forty year old, respondent that would be suitable for his care and treatment, should he be adjudicated delinquent for the murder of Martha Moxley." In this regard, Attorney Oleyer stated above that if the Skakel case had been heard at the time of the offense in 1975, based on other similar cases, there would have been a "substantial likelihood" that the Juvenile Court would have decided not to transfer Michael Skakel to adult court and would have disposed of the case recommending placement in a treatment program. He based his opinion on the standards and criteria of the juvenile court and the politics of the day in the 1970s. Therefore, in the opinion of Attorney Oleyer the juvenile court would

have denied transfer to adult court and in the alternative found a suitable treatment program for the 15-year old Michael Skakel. But for the timing of the juvenile hearing taking place 25 years after date of the instant offense Michael Skakel probably would have been placed in a suitable treatment program. As a result, Michael Skakel now faces the potential enhancement in penalty that far outweighs the penalty that would have been imposed in 1975.

On August 28, 2002 Michael Skakel, at age 41 will appear before this court for sentencing based on an offense that occurred when he was a boy of 15. Clearly, the Michael Skakel that will appear before this court for sentencing is not the same person physically or mentally that he presented when he was 15 years old. Therefore, it seems reasonable to request the court to give substantial consideration to the fact that he was a youth at the time of the offense. His personal struggles during his early childhood development eventually brought him to attend the Elan School, a treatment program that had he been in juvenile court in 1975 would have been the likely punishment for the offense. The fact that Michael Skakel did attend the residential treatment program at Elan for 2 years and completed the program successfully is a significant mitigating factor at the time of sentencing in this case. If this court were to consider the "substantial likelihood" argument, namely that the juvenile court would have imposed a vastly different sentence in the same case that Michael Skakel now appears before this court for sentencing, then it is reasonable and imperative to request a lesser sentence than the maximum of 25 years to life that the court may be considering.

This court has the unique advantage of being able to look through a window of time that the juvenile court in or about 1975 could have only speculated upon, that is to say, being able to see what 27 years would bring to the life of Michael Skakel. There have been many positive developments, including 20 years of sobriety, a college education, a 3-year old son that he loves and cares for, and numerous individuals that he has helped in their recovery from alcohol or drug abuse. Moreover, as the court will read in submissions from defense counsel and the State's Probation Officer, in the 27 years since the offense Michael Skakel has had no criminal convictions and has led a good life including many good deeds and accomplishments. He is not a danger or threat to public safety. The past 27 years in his life of personal struggle and challenges ultimately led to success in rebuilding his life. These factors are salient ones for the court to take into consideration when deciding on an appropriate sentence.

See Exhibit J, at 4-8.

F. Sentencing Options

Mr. Roberts noted that pursuant to the language of the statute, this Court "may sentence a person to the minimum sentence of 10 years, however the court may also consider a maximum sentence less than life. For example, an alternative sentencing structure under the language of the statute could be a sentence of 10 years as a minimum to 20 years as the maximum." Exhibit J, at 9.

There has been tremendous speculation by the media that due to statutory good time, Mr. Skakel will be released at 50% of his time served. This is not accurate. As noted by Mr. Roberts:

Moreover, according to statute and Department of Correction Administrative Directives, to wit, Section 4.2 indicates that statutory good time is authorized to be awarded in advance, pro rata, at the rate of 10 days per month for the first five (5) years and enhanced statutory good time at 15 days per month for the sixth and subsequent years based on the sentence imposed by the Court (please see **Appendix B**). Although the law does afford a person sentenced under this 1975 statute good time credit it is a misnomer that the good time credit would allow the person to be released early. Simply put, the Department of Correction does not have the authority to release an inmate after the minimum portion of the sentence is served when the maximum portion of the sentence is life. The maximum portion of the sentence, i.e. indeterminate life, ultimately controls the over all time of incarceration. Therefore, the inmate would not be released after serving the minimum portion of the sentence unless voted to parole supervision.

Exhibit J, at 9. The Parole Board simply does not release persons convicted of murder. Exhibit J, at 10. Thus, a since a sentence of indeterminate life would be tantamount to a sentence of "natural life," the Defendant urges this Court to sentence him to a minimum of ten years and a maximum of fifteen years in light of the mitigating factors discussed in this memorandum.

III. Conclusion

As stated by David R. Bangsberg in his letter to the Court: "In the most respectful manner I would urge you to consider the good this man has done in his life, and the love he has for his son. Your Honor, this man would not prove you wrong for any consideration you may give." For the reasons stated herein, the Defendant respectfully submits that a sentence of ten years to fifteen years will serve the goals of sentencing.

RESPECTFULLY SUBMITTED, THE DEFENDANT, MICHAEL SKAKEL

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CERTIFICATION

THIS IS TO CERTIFY that a copy of the foregoing has been faxed and handdelivered this 27th day of August, 2002 to the following counsel of record:

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HOPE C. SEELEY

TABLE OF CONTENTS

Letter from family members Exhi	bit A
Letters from clergy Exhi	bit B
Letters from friends and colleagues Exhi	bit C
Letter to Laurie Henesy, Probation Officer II Exhi	bit D
Letter from Michael E. Mone, Esq Exhi	bit E
Letter from Sean Lewis, West Point, NY Exhi	ibit F
Business cards of Michael Skakel Exhi	bit G
Project Serenity Statement Exhi	bit H
New York Times article dated February 19, 1996 Exh	uibit l
Report from Clinton J. Roberts, Alternative Sentencing Consultants, Inc Exh	ibit J
Hartford Courant article dated August 2, 2002 Exhi	bit K

EXHIBIT A

Letters from family members

Stephen B. Skakel
Julie Skakel5
John B. Skakel
David S. Skakel
Rushton W. Skakel, Jr
Katherine Ann Skakel 14
Eileen Moriarty Skakel
Anna Mae Skakel
Robert L. Berner, Jr
Sheila Reynolds Berner
Ann Skakel McCooey
Mary Ellen Reynolds
John R. Berner
Robert F. Kennedy, Jr
John H. McCooey, Jr
Georgeann Skakel Dowdle
Virginia Skakel O'Neil
Bolton Sullivan
Ann Skakel Dowdle
Mary G. Berner
Caroline Skakel Pinkey

Elizabeth B. Dowdle	. 39
Kathleen Sullivan Ridley	40
fim Skakel	41
Ann S. McCooey	. 42
Гhomas A.R. Skakel	12-A

August 18, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I write on behalf of my brother, Michael Skakel. I have known Michael for 35 years. Michael has been the heart and soul of our family.

I have seen Michael overcome tremendous obstacles throughout his life. He overcame the death of our mother, which hit him particularly hard, as the closest to our mother at the time of her death. Our entire family also had to struggle with our father's despair and withdrawal at the death of his wife, our mother. The day our mother died, we lost both of our parents. I saw Michael's tremendous struggle with dyslexia, which he overcame in his late 20's. Michael's years of undiagnosed dyslexia led him to be labeled a "problem child" due to people calling him lazy and stupid. Michael did not quit. He finished college and became a top-ranked speed skier. He married and became a father.

I have yet to see a more loving and compassionate father. During trial, I would drive with Michael to his home. No matter how difficult the week was for Michael having to relive his days at Elan, he always had a smile on his face when he saw his son George. When Michael would have to return to Connecticut for proceedings, he was devastated leaving his son. George is his life. You will not find a more caring and loving father as Michael. As George's godfather, I am always amazed at Michaels' relationship with his son. It is one of unwavering love and commitment. I believe this fact is evident in his divorce. Michael was granted joint custody of his son even with the Connecticut trial looming.

During weekend breaks from trial, Michael would spend every waking minute with his son, even though he was totally exhausted and suffering tremendous stress. To add to this, Michael had received numerous death threats and even onlookers driving across his lawn like some sort of tourist attraction. This was the same place where he played with his son. This was all thanks to the media who released the location and photographs of his home. Michael would panic if George was out of his sight for even a moment, fearing for his life. George would ask his father if he could visit a nearby zoo or other places he like to visit. Michael had to say no, for fear of the unknown. I have been in the car with Michael and been chased numerous times by press driving erratically while George was sitting in the back seat. It got so bad that I

had to do the grocery shopping and errands. In the end, he always has a smile on his face when he is with his son.

Michael was unable to attend AA meetings, which he normally attended on a daily basis, for fear that those seeking their 10 minutes of fame would come out the wood work. This has already happened through numerous people, most of whom, Michael and our family have never met. I have read numerous articles on this case with people who pretend to know Michael and our family. Most of these people, are completely unknown to us. Yet the media prints these accounts as absolute truth.

I remember reading a story in the Greenwich Post shortly after the verdict. The story describes the tails of Joey Testa who had dinner with his "friend" Michael Skakel at the home of our aunt the night before the verdict. This is an absolute lie. How do I know? I was at dinner that evening and every other evening Michael was present. No one in my family knows or has ever met this person, yet it is printed as fact.

Michael's other refuge was church. My last church attendance with Michael was marred by curious onlookers more concerned about idle gossip and not at the word of the mass. Michael later erected an alter in his bedroom. This was his last place of solitude, a place where he could pray and find peace from the outside world. He instilled this same sense of faith in his son, who he would pray with every night before going to bed. I would occasionally let my emotions get the best of me and voice an opinion on the press or others that defiled our family. Michael would always take the better route and say, I can only say a prayer for them so that they will see the truth. Michael's faith is one I simply cannot comprehend. Through so many tests of faith, I would have thrown my hands up long ago. Michael remains true to his faith.

It has been widely stated that Michael's attitude in court was one of arrogance. This could not be further from the truth. As one being diagnosed with PTSD (Post Traumatic Stress Disorder) from his experience at Elan, he would meditate and pray during court while looking at pictures of his son to remain calm. It was prayer and the plastic bag filled with photo's of his son that made the trial survivable. Many evenings after court, we were blessed to have mass said at the home of our aunt. Michael would ask that prayers be said for family and friends and was not concerned with his well being. He was always more concerned about others, primarily his son.

I am convinced I would not be alive today were it not for Michael's help. I also suffered from Alcohol addiction. Michael is solely responsible for who I am today. Michael was the only family member to visit me at treatment and attend family week. The first few years for me were difficult. Michael was unwavering in his support of me during my initial years of recovery, as he has been for so many other people. Michael spent countless hours helping sick friends and family. He would often visit his friend Paul Carey, who died from Cancer, or our cousin Claire, who also died of Cancer. He helped his former-brother-in-law when he experienced medical problems by getting him into a hospital and sitting by his bedside. Michael's greatest gift was

that of providing hope and laughter. No matter how bad it got, he could always put a smile on your face.

Michael helped my sister in her sobriety. Michael also helped my two step-sisters get sober as well. There are numerous cousins who are sober due to Michaels help. These are but a few examples. I chose not bring more examples due to anonymity.

Helping others get sober has been a guiding force in Michaels' life for almost 20 years. Michael traveled to Russia with a delegation for the purpose of introducing Alcoholics Anonymous into the Russian prison system. Once again, the press has tainted this trip with unfounded accusation that he went "off-the-wagon". This could not be farther from the truth.

Prior to the onset of the trial, Michael was working on a guide for health professionals for the purpose of educated them on the various drug and alcohol treatment centers available. Again, due to the unwavering dedication of the press to use Michael's life, and our family as a whole, in a "Mad-Lib" writing style, he had to stop writing. This Mad-Lib" writing by which facts are irrelevant and the end result is based on pure fantasy, lies, and innuendo with no accountability, has tainted our entire family. Michael, and our family, have never asked for "special treatment", yet merely a level playing field.

Michael has great spiritual side. He has a deep seeded faith in God. I know when he lived in Florida, he would take my father to church on a daily basis. He often visited Gethsemane Monastery in Kentucky for retreats when the media was particularly untruthful in there free spirited fictional accounts of our family.

Michael has helped me in my work. I have been in the international humanitarian aid for more than a decade. During the 1998 Hurricane that devastated the Dominican Republic, I asked Michael's help. As I could not get a flight from New York to the Dominican Republic in a timely fashion, I asked Michael to advance our airlift of disaster relief. He gladly accepted. He was instrumental in making contacts with local authorities and making our first of many flights a success. As the island was devastated, we had sparse accommodations and meals which Michael never complained. Michael also assisted in providing humanitarian assistance to Angola and Ecuador.

It has been alleged that Michael was cruel to animals. Another complete fallacy. Michael loves animals, as does our entire family. I remember Michael nursing a sick crow back to health as a child. The crow followed him every where. Michael even took the bird to camp. Michael has had dog for more than ten years which stays by side whenever they are together. Michael has put numerous bird feeders on his property which he would fill on a regular basis. He provided food for the deer on his property. I remember while in Florida, Michael pulled to the side of the road and picked up a large turtle which seemed to have been hit by a car. Michael brought it to a local Hobe Sound animal sanctuary for care. He further left money to take care of

the medical expenses. I did not witness, but was told, he did the same thing with an injured Cormorant, a bird prevalent in Florida. The idea of Michael being cruel to animals is absurd.

There is no one in this world I have more faith and trust than Michael. If I was ever in need of help, I know that Michael would be first in line, no matter what adversity he had in his own life. Michael always put others first. I remain steadfast in my belief of his innocence.

Your honor, I plead for you leniency, for Michael and for his son. I ask that you open your mind and heart and listen to what those who know him best have experienced with Michael, our brother, our friend.

I thank you for your listening.

Respectfully,

Stephen B. Skakel

August 22, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I am Julie Skakel, the second oldest of the Skakel siblings, and the only girl. Michael is three years younger than me. I am writing you in hopes of providing a better understanding of my brother Michael and beg for your lenience.

I know Michael the man, better than I knew Michael, the child. We did not spend a lot of one on one time together growing up. As one of the younger kids, we simply had different lives. I have gotten to know Michael very well in the last few years. We have spent numerous days and weeks together getting to know each other, both with our kids, and alone. We had not seen each other in many years and it has been a pleasure to be in his company getting to know one another.

In getting to know Michael, I have learned what a terrific and loving father he is, what a good friend he is to others, what a great brother he is to our other siblings and how he has continually extended himself as an AA sponsor to so many people.

Michael is just such an amazing inspiration to so many people, especially to me, knowing how he suffered throughout his life. Surviving our upbringing was no easy task, especially for Michael. I think Michael bore the brunt of our fathers' wrath simply because he was the most visible. Our father expected us to be 'not seen' and 'not heard' which was an impossible task for seven active children. Michael was an active and outgoing child which made

things worse for him. Our father was an alcoholic and a rage-aholic which made life that much more difficult for all of us. Life only got worse after our mother died. When Michael was only twelve, we were told of our mothers' death. We were basically told to deal with it on our own. It was never discussed. We were told never to cry or show emotion, and we never did. It was not until Michael and I started comparing notes on how we grew up and the things that we each remembered, were we able show emotion. We were horrified at the abuses that we each suffered at the hands of so many people throughout our lives, both in our home, and outside of it. These were the people who were there to protect us. The amazing the thing is that we were unaware of the abuses that we each suffered and certainly wondered if other siblings had suffered similar abuses.

Michael has been a great support for me and my son George, who like Michael, was mistreated as a result of being misdiagnosed. As such, I can relate to their respective suffering. Not until Michael was 27 years old was he properly diagnosed and treated for a familial disorder, Dyslexia. Michael was the one who suggested that we take a second look at my sons original diagnosis and consider Dyslexia, because it does run in the Skakel family. In the end, Michael was correct. Until now, I have seen the abuses that children suffer at the hands of educators who have labeled kids as being lazy, stupid, or just 'choosing not to do their work'. I t has taken six long years of daily struggle alongside my son to find an answer to his inner torment. I think of Michael who had no choice but to suffer alone. There was no parent present to give any kind of encouragement, much less see the real problem of a learning disorder. It breaks my heart.

Michael is the best father I know. He is the dream father that we wished that we had had. He is so attentive to Little George, and so playful, and so much fun. It's so wonderful to see Michael and how interacts with his son George. I wasn't sure what to expect from Michael as a father, but I was more than pleasantly surprised at what a great dad he is. When Michael and George are together, it's like the most natural thing I've ever seen. They do so

much together; fish, go to the beach, go to the park play and with other kids, read, cook, food shop, clean the car, and more, they are inseparable. There's a bond that's so strong that I am truly amazed. Michael is a terrific and loving father, and one, that I am proud to call my brother, Michael. He is one of the most caring and compassionate men I know. He is a true giver, not just of his time, but of his heart. I know that he has helped so many people throughout his life and will continue to do so. This is the true Michael Skakel. He is all heart. He is a giver. He is not a taker. He is a lover of life and a lover of people. I ask you to consider the man, the father, the brother, that I know. I ask and pray for your mercy.

Thank you.

Julie Skakel

John B. Skakel 3825 SW Jerald Court Portland, OR 97221

August 14, 2002

The Honorable Judge John Kavenewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, CT 06825

Dear Sir,

I ask the court to consider leniency in sentencing my brother Michael Skakel for his conviction for the crime of murder that a jury found he committed 27 years ago when he was fifteen years old.

I am still shocked by the verdict since I know that Michael was in the car with me that went to Terrien's and thus was not in the area during the established time of the crime. That was my truthful testimony while connected to a polygraph as a sixteen year old in 1975. Law enforcement officials from the state of Connecticut and Greenwich Police were the only guardians present during my statement. Detective Lunney testified at the trial that it is also his belief that Michael was in the car. I say this for the record, knowing that a guilty verdict has been given and the court must act accordingly.

My mother's battle with cancer was a major event while we were children. She was ill for a lengthy period before she died. Most of us did not fully understand that Mom was terminally ill. We went to the hospital a lot, and going to Novena masses in the downstairs chapel at St. Mary's became an after school ritual. Before the illness, she was a fit, active mother trying to manage raising seven children and the demands of her husband, who often traveled on business.

After Mom died, and really since she became ill, parenting and was left to others. Dad was too consumed with losing her and mom was in a fight for her life.

On our return from a weekend at the ski house in Windham, NY, I remember cars lining both sides of the street long before we got to our driveway and thinking someone must be having a party. A few minutes later, Dad spoke to all of the kids as a group before entering the house — and told us that mom had died, and that we could go to our rooms. Dad had lost his best friend. He was simply too devastated to console us kids and attend to how we were supposed to adjust o losing Mom.

Dad's drinking became very heavy over the next several years. His availability as a father dissolved and he came to rely on others for nearly all decisions having to do with his business and family.

We were left largely to fend for ourselves. The rule seemed to be if you stayed out of trouble, you could avoid Dad's temper.

Michael always seemed to have problems at school, at nearly every level. Lots of doctors and counselors were consulted to pinpoint the source of these problems, but achieved little success.

Dad was frustrated by the frequent challenge of selecting a new school that would accept Michael. Dad looked at Michael's educational difficulties more and more as a behavioral issue, a voluntary choice to misbehave. Michael became more the subject of Dad's anger as his pattern of school problems continued.

As a young teenager, Michael was involved with the same things as many of his friends in the neighborhood. The sport activities changed by the minute and by the season at our house. Michael did his share of mischief, mostly getting into trouble with firecrackers, broken windows, etc., but never violent behavior. He was a skinny, slight kid. He is one of the smallest kids in his 1974 class soccer team picture.

While struggling through college, Michael discovered that he was dyslexic. This was a big turning point, and Michael was determined to make the most of it. It shed new light on why school was such a challenge. He used this new knowledge to help him graduate and move on to seek a career and a productive life.

Michael has a tremendous yearning to help other people. Michael was devoted to the welfare of Margaret Sweeney, a very kind woman who helped care for all seven of us as children and who recently died in her 100's. When she became too frail to visit, Michael made a point of frequently checking on her as she insisted on living alone. Before getting married, he even moved into her home to better look after her.

He loves our children, and loves talking to them over the phone. He is tireless with our children and will play games and run around with them until they have to rest. Both my wife Eileen I and trust Michael completely with our children.

Helping others to get or stay sober has been a mission for Michael. He has helped several siblings, step sisters, cousins, family friends, and many others. I am coming to learn that the number of people is much larger than I was aware, mostly because he does not advertise his good works. Michael takes seriously the "Anonymous" part of AA, and so he does not call attention to people whom he has helped privately.

When cousin David Kennedy was in dire need, Michael personally escorted him to a rehabilitation facility where he could receive help. A few months later, after leaving the program against medical advice, he died of a drug overdose.

When Shannon Shay, a friend from Boston, had a brother in similar need of getting help, she sought Michael's ability to intervene. He dropped what he was doing and helped out until her brother was out of danger and getting professional help.

Recognizing the positive impact he could have in rescuing people from their own addictions, he sought ways to broaden his efforts. This included development of a national guide to addiction rehabilitation facilities and trying to introduce AA-style programs in the Russian prison system.

In sentencing Michael, please consider that Michael spent two long and lonely years at Elan, enduring constant intimidation and beatings. No person deserves to be treated the way my brother was punished during those two years.

Counting the grand jury, he has been on trial for four years straight and the subject of constant derision in the media. He has been unemployable while a murder suspect in a high profile case. The pressures resulted in the end of his marriage. Despite his notoriety in the press, the family court judge found him responsible enough to grant joint custody.

His son George loves Michael deeply and vice versa. Michael has always been available and cooperative while the subject of the 18 month grand jury, two probable cause hearings and the trial in adult court. He has never fled. He has been a lawful citizen.

Consider also that Michael was a juvenile in 1975, but has been tried as an adult. Later this year, he will have achieved 20 years of sobriety. He discovered a gift of helping others get sober, often helping to save lives. It is an important focus of his life.

Sincerely,

John B. Shake

In contrast to media renderings, Michael is (and always has been) a terrific life-force within our family amidst adversity, dysfunction and loss. Here are a few examples which typify the Michael that I have known my entire life:

- 1. At age 13, Michael discovered an abandoned juvenile crow that had fallen out of its nest. The crow (known by family and by neighbors as "Mr. Bo Jengles") imprinted on Michael, and did follow him most everywhere. Michael even insisted on bringing Mr. Bo Jengles to summer camp at Camp Cranwell, whereupon Michaels' pet crow eventually fell prey to a raccoon.
- 2. One autumn morning in 1982 I personally awoke Michael, and he declared to me and to himself that he had a drinking problem and that he wanted help. Since that day nearly twenty years ago, Michael founded a life based upon absolute sobriety, honesty, integrity, and humility. Michael has transformed his toughest experiences into an uncanny ability to provide trust and assistance to others when they need it the most. Michael's record clearly reveals a life in the service of others, whether it is seeking alternatives for street gang kids in California, working to reduce hand gun violence in Boston, delivering international medical relief to war zones or natural disasters, or his countless examples of helping people grapple with chemical and alcohol dependency.
- 3. Michael is animated, in a big-hearted way. I remember years ago being at a traditional Easter-egg hunt one Sunday at our friends- the Ziminskys. But their son Paul lay in the hospital, having barely survived a terrible car accident. Michael pleaded with a gentleman, who lent Michael his "Bunny suit". Michael and I drove to the hospital in Armonk, New York to visit Paul in hopes of raising his spirits. But upon entering the hospital, we were accosted by the nurses, who exclaimed: "Oh it's the Easter Bunny... You must be here to see the kids!" At which point (and without hesitation), the Easter Bunny (a.k.a., Michael Skakel) visited every single child in the hospital that day. It took hours. And we had fun. And we really made their day. Michael can be big as life sometimes, but always guided by his heart.

- 4. During a frigid winter day in the mid-1980's, I was in New York City with Michael walking toward our car. A homeless man sat in front of our car, asking for money. People generally passed him by. I passed him by... Michael stopped and talked to the gentleman, who was quite cold. Although Michael had no money to spare that day, he did open the trunk of our car and pull out his winter coat. Michael draped the coat around the fellow, and sat down and talked with him for a short while. Then Michael gave him a pat on the back, and said: "keep warm". Michael seems less able than I am to ignore the pain or suffering of others. Through example, Michael improved my understanding of both compassion and respect that day.
- 5. Finally, I look at our eight-month old baby, Grace. Long story short: A medical miracle. Michael was undoubtedly our greatest supporter throughout our three-year struggle toward pregnancy. Michael convinced my wife and me that we would succeed, when doctors told us that it was not possible. It is difficult to explain, but Michael was not so much hopeful; He had a vision of our child. But he said that we (the frantic, nervous, hopeful parents) just needed to "get out of the way". And now, some of the most useful things we use to comfort our baby (baby oils, special crème of baby rash, and a heated box for baby wipes) are all things that Michael recently sent us.

Michael is a mentor: As a Brother to me; As a Father to his Son George Henry; And as a humane, civil, compassionate, and productive participant in society.

Thank you for considering these insights into the character of my Brother Michael.

Sincerely,

David Seoirse Skakel

August 6, 2002

To Whom It May Concern:

Regarding the sentencing of Michael C. Skakel

First, despite the pulp fiction produced over the years by the media, and finally used by the prosecution, there was no cover-up. I told the truth on the stand: Michael was with me when that little girl was murdered. Period.

Second, the devastating effect of the grossly unjust decision by the jury has been felt not only by Michael, but also by his enormous extended family and many friends, because we all know and love his true nature. We are all familiar with his boundless energy, his wonderful humor, and his deep sense of compassion which has led him over the years to help others away from addiction.

Third, Martha Moxley's death was horrible. But how horrible to still not know who murdered her, and for us to know that a murderer is still out there, perhaps committing more murders.

Finally, having lived and traveled abroad for much of my adult life, I came to a greater appreciation of the freedoms we Americans enjoy. But now I feel betrayed, frustrated and saddened by a judicial system that now plays second fiddle to the power of the media.

Please feel free to contact me at any time.

Luhlon W. Slicket #

Rushton W. Skakel, Jr.

August 18, 2002

To Judge Kavenewsky:

I first met Michael Skakel twelve years ago. He was on the ground with a handful of little black lab puppies crawling all over him chewing at his ears and nipping his nose. Michael was loving every minute. One of those puppies was soon to be my dog, Otis.

Upon marrying Michael's younger brother David, I have come to know Michael very well and can sincerely say that he is one of the most generous, thoughtful, considerate, and kind persons I know. An example would be the time he bought my Mother's prescription medicine for her, when we encountered Michael in a pharmacy in Windham, New York. He's about more than common courtesy. Michael shows genuine kindness, without regard to reward or recognition.

I have lived near and far from Michael but I have always been impressed by his homely instinct. We both lived in Boston for awhile and his home there was so tastefully donewith lots of photos of family and friends; Michael has this knack of turning an apartment into a place that has such a warm, cozy feeling. He has always welcomed me into his residences and made me feel like his house was my house.

Michael has been incredibly supportive of my husband David and me. I attribute in great part Michael's words of encouragement to our eventual success in conceiving our little baby. Michael, having such an appreciation for fatherhood, knew or at least he always positively encouraged us to have faith in our journey for a family of our own. Michael told us a story of a woman that he met. She apparently had physical complications which led the doctors to explain to her that getting pregnant would be impossible. But she did get pregnant. And now her baby is a teenager. That story alone gave us the momentum to believe in miracles, at a time when we had exhausted hope. And now suffice it to say that we are blessed with a child of our own.

Michael's love for his son George is so great and sweet. I have witnessed Michael's affection for Georgie, and can vouch that Michael is not only a great father but undoubtedly a vital rudder in George's upbringing (George is approximately three and three quarters years old). To keep them apart for this amount of time or any additional time is criminal. Michael is no criminal. In fact, he has been so helpful and reaches out to so many people with humor and grace that he is very saint like. In your deliberations, consider the Michael Skakel, that I and others know and have come to love and honor.

Sincerely,

Katherine Ann Skakel

Katherine A Skeke 1

Eileen Moriarty Skakel 3825 SW Jerald Court Portland, OR 97221

August 19, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky,

I write this letter with a heavy heart. I am Michael Skakel's sister-in-law. I am married to Michael's brother John. John and I have been married for 8 years and we have three children whom we love deeply and appreciate every minute we have with them.

My son Charlie is the same age as Michael's son George. I know first hand how important it is for my children to have their Dad intimately involved in their lives. I especially can see how much Charlie needs his father. I can hardly stand the thought of George not being able to be with his father.

I was fortunate to grow up with both of my parents raising my six siblings and me. Growing up, I never realized what a blessing that was. Now as a parent and the wife of John, I appreciate it more than anything. As you know John, Michael and their siblings were not so lucky. They lost their mother to cancer as young boys and as a result they lost their Dad, too. They did not have the benefit of two parents raising them. They didn't even have a one parent raising them. They each had to fend for themselves to survive. They did not even have each other to depend on. It was every child for himself.

Over the past four years Michael and I have become very close. Although we live on opposite coasts, we would speak on the phone four to five times a week before he became incarcerated. Now we speak for fifteen minutes when we can. Michael is a very emotional, loving person and someone who while on trial showed me a gentle tenderness that few men possess. My children and I were staying the same place as Michael when he was on trial. To call the mood of the house stressful is an understatement. Three kids away from home living in someone else's house and your brother-in-law is on trial for murder. I had my six year old daughter, three year old son and my two month old baby girl. Of all the people there, the one person to help me out was Michael. He was the one

that would acknowledge my daughter's drawings, play with my son and offer to hold my baby. He would take the baby and hold her so gently and caress her head and speak to her softly. I was so thankful and at the same time in awe. How did he manage to have the grace to do this for me and at the same time be going through this terrible ordeal? I felt so guilty because I know how much he wanted to be doing these things with his own son. But because of the loving, caring person he is he managed to show his affection to my children and for that I was so grateful.

I ask you to please be lenient in your sentencing of my brother- in-law Michael. He needs to be with his son George and George needs to be with his father. Please let's not repeat the past generation of children raising themselves. That way of life is not good for any child and especially when they have a loving, caring, and wonderful father like Michael.

Sincerely,

Eileen Moriarty Skakel

Elien Mornary Skakel

Anna Mae Skakel Loblolly Bay 7950 Dock Sleeel Slobe Sound, Florida 33455

Dear Judge Kasanewsny, I have known Michael for twenty two years. I have been married to Rushton be for nearly twenty one years. Duewing The past twenty two years 2'08 seen michael grow into a loving, caring person, 14e is deeply committed to The aa program. Having helped so many

Anna Mae Skakel Loblolly Bay 7950 Dock Street Hobe Sound, Florida 33455

people young and old. This includes my two daughteesio his son GEORGE how Three and a half years old. I can honesty say he loves george more Than life, michael has great faith, while he listed in Florida he attended daily mass, often with George.

Anna Mae Skakel Loblolly Bay 1950 Dock Street Lobe Sound, Florida 33455

D'm acking you to

please be sentence.

in michaels sentence.

His son and family

ned him.

I hope you will

give him a chance

to prove what a good

man he really is
Thanking you

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Inco

ROBERT L. BERNER, JR.

June 26, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, CT 06825

Re: Michael Skakel

Dear Judge Kavanewsky,

I write to you to plead for your consideration for a sentence for Michael Skakel at the low range of the possible term.

Let me first tell you that I am Michael's uncle. As I believe you may know, Michael's mother died in 1972. She and my wife, Sheila, were sisters. We have known Michael since he was born.

We have been with Michael on many, many occasions. We have been with him at family occasions such as baptisms, weddings, funerals, graduations, and at Thanksgiving and Christmas holidays. We have stayed at the Skakel house and have been on vacation with Michael and others in the family. I have taken canoe trips with Michael. We have seen Michael as a child, as an adolescent, as an adult, as a father, and as a help to others in distress, particularly those with a substance addiction.

Judge John Kavanewsky June 26, 2002 Page 2

Michael had a difficult childhood severely compounded by the death of his mother and the inability of his father to connect strongly with his children to guide them into adulthood. As he became an adult, however, Michael exhibited qualities of good character that have persisted. He has developed into a person of integrity and honesty and, surely as the record shows, is not and will not be a threat to anyone.

May I add that I am a lawyer in Chicago of almost fifty years. I appreciate and support the judicial system. My wife, Sheila, Michael's aunt, is a social worker who provides service and support to the poor and disadvantaged in a very depressed neighborhood in Chicago. Sheila joins in this plea and signs this letter in support. We are not romantics and we do not write to you simply because of our relationship with Michael. We write to you to ask that you impose a minimum sentence because we believe that, in all the circumstances, a minimum sentence would be just.

Most sincerely yours,

Robert L. Berner, Jr.

Sheila Reynolds Berner

RLB, Jr./eb

June 18, 2002



OTTER POINT The Honorable Judge John Kovenewsky Superior Comit of Norwalk 17 Belder Avenue. MORWAIL, Connecticur 06825 Dear Julge Kavenewsky. I write you as aunt à beg you to Michael Skalul's Closest be levier with him. 1 have known Michael Well over the years: 80 often I have dear his quier generosity of suf, during that time, to those in need. I write this to you because I love him, but not simply because he is my nephew, bur because he has inspired me by his kindness you were never able to buttoned up in his shirt in his fear, I am saddened buttoned up in his shirt . a spirituality. buttoned up in his suit that you coweir know him I keg you with all of my heart to consider my medequate works When you sendence my loving Michael. Please. gratefully of Respectfully, ann snam tecoory The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge,

This letter concerns my nephew, Michael C. Skakel. I am writing to share information about the situation surrounding the death of Michael's mother, my sister, Anne, who died March 4, 1973 after a long struggle with cancer.

She had been ill for a year when she underwent surgery again in December, 1971. Michael was in fifth grade when I came to help my sister with her daily trips to the hospital for palliative radiation, a treatment given in an effort to relieve the pain from brain metastases. In July 1972 Anne began bleeding and lost her eyesight and was rushed to Greenwich Hospital. Anne lingered there for nine long months. Michael's father stayed with her every day, but this was so hard on the seven children.

Michael's father was overwhelmed with grief, often turned to alcohol, and seemed unable to provide needed support during and after this ordeal. May I ask you to let this shed light on what happened when Michael was young and move you to be merciful.

Respectfully yours,

Many Ellen Reynolds

JOHN R. BERNER

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky,

I am writing on behalf of Michael Skakel, as his cousin and lifelong friend. I have struggled writing this letter and wondered what to say. I have known Michael my entire life. I firmly believe that Michael couldn't have committed the horrible crime for which he was convicted, but of course I wasn't there, nor was I on the jury. So, it has come to how much time Michael will spend in prison.

The purpose of my letter is to plead for leniency as you consider Michael's sentence. Michael is a decent man, a good father and a loyal friend. Although born to a wealthy and prominent family, he has suffered much in his life. His mother, Ann, who was my mother's sister, died after a long and gruesome fight with cancer, when Michael was in his early teens. His father abused alcohol and was unable to help his own children through a devastating loss. Michael clearly handled that loss poorly. He abused drugs and alcohol. And, as we eventually learned, Michael suffers from a severe case of dyslexia, which I am sure only added to his isolation as a teen.

To Michael's credit, he managed to straighten his life out, mostly on his own. At least 20 years ago, he cleaned himself up. He got his dyslexia diagnosed, joined AA and stopped abusing drugs. Since then, he got married, had a beautiful son, George, and lived a productive life.

I spent a lot of time with Michael growing up and over the last 15 years, including a number of trips canoeing in the woods of Canada. Michael has always to me exemplified a loyal friend, good father and someone who values friends and family above all else.

During his recent incarceration, Michael has by all accounts remained strong for his devastated family and friends. While steadfastly maintaining his innocence, he has accepted the verdict and is prepared to face his punishment. For what it is worth, I ask you to take into consideration the personal opinions of myself and Michael's other supporters who can attest to his decency and integrity. If for no other reason, as a child of a marriage that has been shattered by this experience, Michael's son George needs his father in his life as he grows.

Thank you for your consideration of these thoughts. I am confident that your decision will be well-reasoned and hopeful that it will be based at least in part on the opinions of those who know Michael best.

Respectfully,

ROBERT F. KENNEDY, JR.

August 8, 2002

The Honorable John F. Kavanewsky Jr. Superior Court of Norwalk Superior Court, G.A. 20 17 Belden Avenue Norwalk, CT 06850

Dear Judge Kavanewsky,

I am writing to urge your leniency in sentencing Michael Skakel.

I am an environmental lawyer, Professor of Law at Pace Law School, senior attorney for the Natural Resources Defense Council (NRDC) and the president of Waterkeeper Alliance. Both are national environmental groups. I am Michael's first cousin and was among his closest friends between 1983 and 1997.

I know Michael as well as one person can know another. He helped me get sober in 1983. We attended hundreds of Alcoholics Anonymous meetings together. In that context and others, we have shared our deepest intimacies. For 15 years, we skied, fished, hiked and traveled together, often with my wife and children. During that time, I sometimes spent as much as two or three weekends a month in Michael's company. I love Michael, as does nearly everyone who knows him well.

The portrait of Michael painted at trial and by his detractors in the national press could not be farther from the truth. Michael is a kind and gentle man, utterly unspoiled and hardworking. On wilderness and hiking trips, he is always found wherever there is exhausting work and heavy lifting. On ski weekends, he is the cook, the cleaner, the ski instructor, and the one who puts the clothes and gear on everyone else's children before carrying them, three at a time, to the hill. Michael is a gentleman; in every transaction, he is considerate and sensitive, always putting himself last and always striving to see the world from the other person's perspective.

In all the years I have known him I have neither seen nor heard of Michael engaging in a violent act — even when provoked. It is not his nature. I have watched him walk away from confrontation on several occasions. He has exercised this restraint, not with anger or resentments, but with an extraordinarily mature forgiveness and compassion. Although he is physically strong and a superb athlete and certainly capable of defending himself, I have never seen or heard of him fighting or glorifying violence. In one case, with which I am familiar, Michael literally turned his other cheek when physically attacked. On that occasion, an acquaintance struck Michael in the face with such force that his attacker broke his hand. Although Michael could have easily dispatched his assailant, he refused to engage in violence, even in self-defense. Even in his pain, he diffused the incident with a joke.

During his short life, Michael has endured unusual suffering. He was a small sensitive child - the runt of the litter with a harsh and occasionally violent alcoholic father who both ignored and abused him. His beloved mother died of brain cancer when he was twelve years old, after that disease imposed four years of terrible agony on her and her family. Michael was a scrawny waif-like child whose debilitating dyslexia made him a failure at school and caused him to be labeled "stupid" from when he first entered the education system. A few days after his 15th birthday, the Martha Moxley murder occurred and has cast a shadow over Michael and his family ever since. He lost a friend and has been publicly battered for 27 years as a possible murder suspect. Michael was alcoholic from a young age and, like many people afflicted with that disease, was wild and undisciplined. After a drunken car accident at age seventeen, Michael, at his father's behest, was kidnapped by four tattooed goons and shipped to reform school at Elan where he was beaten, tortured and brutalized for two years. Joe Ricci, Elan's founder, told Michael upon his arrival that he would never leave Elan until he admitted that his brother Tommy had committed the Moxley murder. Michael, an impressionable and very sensitive adolescent, was coerced, intimidated, and physically beaten over many months to confess to the crime himself. Among an inventory of tortures too numerous to mention here, Michael was forced to wear a sign around his neck from morning to lights out saying, "Ask me why I murdered my friend." Michael made three escapes from Elan, once running naked into the Maine woods in winter. Each time, he was beaten and abused mercilessly upon his return. Michael was traumatized by his ordeal at Elan and has been diagnosed and treated for many years with post traumatic stress syndrome. In 1999, he went through an excruciating divorce precipitated by intense public attention surrounding his trial.

Many people might be poisoned by resentments after such agonizing experiences. Michael has never given in to bitterness. Instead, he has used these episodes to help and heal others. Michael has an antenna for suffering. He gravitates to its victims and uses gentle compassion and honest dialogue about his own experiences to help heal pain and despair where he finds it.

On many occasions, I have watched Michael, following an AA meeting, seek out the most distressed and despairing newcomers to give them encouragement. He shares his own experience, strength and hope and his own battles with despair. I have watched him give his telephone number to many AA newcomers over the years and then spend hours on the phone, or sitting with them in diners and church basements, helping them make it through difficult days. His brutal self-honesty allows fragile and fearful new AA members to confront their own flaws inspired by Michael's open struggles with his own demons and character defects. He always

seems to find the right words to inspire recovering alcoholics with courage to face sobriety amid sometimes painful lives. In this sense, through Michael's courageous choice, the years of his torture, neglect and abuse have become Michael's greatest capital assets. He uses these assets to serve others, save lives and alleviate suffering. Michael has tried, sometimes successfully, to make a profession of helping people to access effective and humane treatment programs that will help them escape from their addictions and misery

Michael is flawed. Like most of us, he is an assemblage of flaws. But his flaws are the thin vapor that obscures a tower of virtues. Among them are humility, generosity, honor, and the ability to make others laugh, athletic talent, physical and mental courage and his ferocious honesty. Michael's primary sources of motivation are his Catholic faith, his empathy and compassion and an overwhelming almost organic need to serve others. He is blessed with inherent decency of character and the motivation to do what's right no matter what the cost. He has the kinds of strong values that emphasize love, compassion and humanity that most of us would want be proud to pass to our children.

Michael's occasional failure to function according to the world's standards are due to his sense of ineptitude, a sense has been reinforced by his dyslexia, a dysfunctional childhood and his experience of three years of torture at the Elan House -- not entitlement. Despite his troubles, Michael remained highly motivated and got sober in 1982 at age 21 and has given his life to service ever since.

I have watched for 20 years as Michael has struggled heroically to overcome his addiction, and the character defects that feed it, in his strivings to become the kind of man God wants him to be. With notable personal strength, he overcame his genetic and cultural burdens and made himself a productive member of society. After getting sober, he went back to school, fought an uphill battle against his dyslexia and graduated from Curry College. Despite his bulk, he is a superb athlete and his hard work and brutal training regimen earned him a seat on the U.S. Olympic Speed Skiing Team. More impressive has been his battle to overcome the hard wiring that dictates that he must drink himself to unconsciousness every day. In October, he will celebrate his twentieth year sober, without any slips. Michael is an aggressively active member of Alcoholics Anonymous. Working the twelve steps of this spiritual program and practicing its principles in his daily life are the centerpieces of his existence.

Michael's spirituality and religious faith are inspirational to everyone who knows him. He is among the most solidly spiritual people I've ever met. He always carries a rosary and prays it daily. He attends daily mass and his deeply held religious beliefs and faith in God infect every action in his daily life. Yet he lives his beliefs and he practices his religion quietly. Michael's gentle disposition and humor have preserved him from becoming a proselytizer or a religious nuisance.

The cornerstone of AA is rigorous self-honesty. "You are only as sick as your secrets," goes the AA slogan. "Your secrets will make you drink." Michael is honest as daylight and completely without guile. His face and body are battlefields of warring emotions, which he is incapable of concealing. Michael seems to lack that filter between his brain and his mouth by which most of the rest of us process out embarrassing or damaging disclosures. Any thought that

flashes past his synapses is instantly on his lips. The impulses, doubts, despair and fears that most of us have the capacity to defensively control are issuing constantly and usually hilariously from Michael's mouth. Thoughts and fantasies that most people would take to their grave flow from him like Niagara.

His honesty is inspiring and extremely entertaining. He is a mix between John Candy, John Belushi and Curly from the Three Stooges. People begin laughing as soon as he enters a room. He is sweet and responsible and shockingly generous, as are all the Skakels. His portrayal as a spoiled brat, cruel and violent couldn't be less accurate. During his trial, there were media reports that Michael had tortured small animals. Those reports are untrue. Michael was raised in a hunting milieu. The Skakels kept hunting camps all over the world and spent much of their time in the woods. Michael and his brothers received bee bee guns at a young age and like other young Americans from hunting backgrounds (including Teddy and Franklin Roosevelt), they shot at everything that moved and some things that didn't. But Michael was never mean, sadistic or ghoulish. Instead, he is kind, gentle, and humane.

He loves dogs and children and they love him. There is no one that I'd rather leave with my children than Michael. And there is no one they would rather be left with! He is fun and energetic and has a special gift for talking with children.

A mutual friend of ours, Matthew Ziminsky, observed last week that Michael was probably already spreading his characteristic goodness and cheer on the cell block. I know that Michael will be an inspiration to his fellow prisoners, particularly those who are bullied, sad and lonely. He will occupy himself devising words to help them escape their despair. They are lucky to have him and most of them will not be to help themselves from appreciating his compassion, humor and his good company. But the person who needs him most of all is his $2\frac{1}{2}$ year old son who adores Michael and to whom Michael is absolutely devoted. Michael is the kind father most people wish they had — driven by love and laughter with a special skill for teaching his wonderful values through a gentleness that is irresistible.

My statements here are true and accurate. I hope you will consider these things when you sentence Michael.

Sincerely,

Robert F. Kennedy Jr.

John H. McCooey, Jr. 110 East 71st Street, Apartment 6 New York, New York 10021

August 15, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I know Michael Skakel as a friend and as a cousin. I know that he is not the person portrayed in the papers or on TV. He is not even the man in the suit, who sat in your court during his trial. Michael doesn't wear suits. Were you to spend time with him outside of court you would see that he is a simple almost jolly man. I was with him this past winter at his house. Our two four-year-old sons were playing together. Michael was with them on the floor pretending to be a bear. He reared up hands above his head, then changed and fell to the ground acting like a baby who needed to be taken care of. The boys showed mock fear and then dissolved into laughter as they set to tickling him. Michael is not a hardened criminal. He is not a calculating or complex person.

On the night before the verdict we were together with other family members and friends. There was confusion as people talked about what had happened that day and what would likely happen the next. I took Michael aside and asked him how he was feeling. With a composure that I found surprising he said that he was fine. "God has led me to this place, and God is walking with me. No matter what happens, He will take care of me and I'll be fine." His faith is a wonder.

But, there is someone who I am afraid will not be fine, that is Michael's son George. George is a boy who realizes that something very frightening is happening to his father and although he is only dimly aware of its consequences, he is worried for his father, and for himself. He needs Michael.

For George Skakel's sake, I ask that when you sentence Michael, you remember Michael's simplicity and good nature and be lenient.

Yours truly,

Georgeann Skakel Dowdle 312B WORTH AVENUE • PALM BEACH, FLORIDA • 33480

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825 June 22, 2002

Dear Judge Kavanewsky:

I am, of course, aware of the recent determination of guilt assessed by a jury against my cousin, Michael Skakel, in criminal proceedings over which you presided. Indisputably, the facts of the case and inferences drawn from them are momentous and unfathomable – for differing reasons – for Ms. Moxley's family as well as Michael's.

But I write now not to belabor the facts or to argue the result. I write to urge Your Honor to grant leniency to Michael in sentencing.

There is no doubt that a heinous crime occurred. As the evidence showed, moreover, the circumstances of Michael's life at the time were profoundly aberrant.

Nonetheless, despite the clear and lasting psychological impairment of a youthful environment materially lacking in nurturing emotional sustenance and moral signposts, Michael has passed through alcohol- and drug-related struggles to become a clean, sober adult . . . a loving and supportive father of an infant child . . . and a meaningful contributor to engendering decency and morality in personal standards and conduct. I am able to give witness to the struggle that Michael has endured as well as to personally testify to the road he has traveled.

Michael's successful efforts to move from a life substantially bereft of morality . . . to genuine concern for the interests, needs, and welfare of human beings and family and their values, capacities, and worth . . . are evident in his transformation from a troubled youth to a responsible parent and adult.

Whatever his shortcomings have been – and despite the unthinkable finding of his responsibility for an abhorrent crime – I respectfully ask that you consider the totality of Michael's youthfulness at the time of the alleged offense, the moral corruption manifested in that dissolute stage of

June 22, 2002 Page 2

his youthful life, and his metamorphosis from such amoral times to the exemplar model that he now offers in his own conduct and as a worthy example of society-building values.

Michael's transformation from his teenage years should not go without significant notice and estimation. The consistent and genuine change in his life... a product of hard-won emotional growth, maturity, and faith.. are the earmarks of an individual whose latter day conduct demonstrates the character of someone deserving of mercy.

In your judgment of appropriate sentencing, Your Honor, please manifest to Michael's child, his extended family, his friends, and those who know Michael only through the tabloid press cognizance of the fact that a boy who has been deemed responsible for a violent crime committed 27 years ago is a changed person. He is – today – a man who has escaped from a convulsive past to being a valuable contributor to positive societal values.

Your consideration of this prayer is appreciated.

Sincerely,

Virginia Skakel O'Neil 185 Knutsen Farm Road Sequim, Washington 98382

July 14, 2002

Dear Judge Kavanewsky,

I am writing to you to plead for leniency in the sentencing of my cousin Michael Skakel. I did not grow up in Greenwich. My family was raised in California. I did not meet Michael or his siblings until 1980 when we went to a family reunion.

For the first time in five years my father was off the wagon. I was a 19 year old girl who was beside herself with anguish. Embarrassed, angry and largely with a family I did not know well, Michael took me under his wing and protected me at a time when I was enormously vulnerable to making foolish mistakes myself. Those weeks could have been an extremely negative turning point in my life. Michael's influence sustained me.

In the past two decades, I have seen Michael's compassion and generosity countless times. I have seen him shepherd individuals through grueling substance abuse recovery. One of my younger brothers has battled and lost many times with alcohol and drugs. Michael has continually been supportive towards my brother in every attempt at rehabilitation he has tried.

Michael often has put himself aside in order to help another. Michael's passion for helping others to succeed in their struggles against addiction was leading to a discussion with my father about the possibility of opening a treatment center with Michael at the helm. Unfortunately, my father's health began to decline and their dream of a recovery facility vanished with the onset of his illness.

I humbly ask you to consider a merciful sentence with regard to Michael, if not for him then with the thought of his young son George who needs a father. Michael is an exceptional Dad. His boy is his life. Please restore them to one another.

Thank you for taking the time to listen to this plea for Michael. It takes great bravery to show forgiveness. Please consider the essence of the man before you.

Sincerely,

Virginia Skakel O'Neil

Tryin Sedal Onil

To The HonoRable Judge John KAVanewsky

The first time I ever met my cousin & great friend Michael Skakel was at Camp Kooch-a Ching at the Minnesota & Canadian border in 1974. The first thing he ever told me was you're my blood, your my brother The took me by the hand has been my protector, Saviour Archangel & loving friend to this very day! ... The Michael Skakel & Know is the Most Caring & Compassinate man I have ever met or known on this earth! Countless times have I been witness to or have heard about his generousity & Concern for his fellow man. He Continually picks up hitchiker Ehelps them; he finds purses on the side of the road & Deliver them to the police; Down here in Elouide he once heard the faint cry of a lady in distress, pulled has Out of a pavine ? Saved her life. This is the man of Know as Michael Skakel! He has Countless numbers of piends from the Car regainmen he picks up on the real to all Caldies from all goff courses To every serson he has ever met who is smart enough to know that he could be a friend for life. -> which is opposite of those who If try to get associated with him by trying to take him down. In a way of feel a certain Kinship to him because we are happy people & unhappy try to take us down because of jealoung & many other reasons. When in fact the whole world should know that we are the lastest people to be come freich with. Anyway My Cousin was unrightfully, unlowfully innappropriate beater for 2 years Straight at this Elan prison Camp

	in Maine. He is the true Victim here. The whole camp
4444	tried to make him say that he did the murder 3 he never
	gave in . His teeth were beaten out of him? they wouldn't be
	him see a doctor for 20 3 days My cousin has been
	Tormented & tortured since that time all the way up to
	today. I ask you most honorable Judge to seek fine
	the true justice here.
	Sincuely!
	Sincuely. J. Bolton Sullivan
	P.S my Cousin Michael is truly as nice of a human being
	as there is any mistonceptions are derived from his
	public persona any person who had gone through what he
	did cannot continually have a happy face on . there has to
	de Some angot 3 injustice on the face which gets misconstrue
	- our family comes from great foundation & Michael Stakes
	is as Nighteon & honest a person as we have & if you
	Could please research & Truly try to understand what has
	happened to the dearest of all my cousin your Honor, &
	happened to the dearest of all my courin your Honor, I would be much obliged. Haves seal FOR USTERIOR
	Rotten Sultivan
	Local Suns
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Ann S. Dowdle 609 Winsford Road BrynMawr, PA. 19010

August 12, 2002

The Honorable Judge Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

My name is Ann Skakel Dowdle and Michael Skakel is my first cousin. He is six years younger than I and I have always thought of him as one of my younger brothers. We grew up in the same town and Michael spent a good deal of time at our home. My cousin, Michael, was one of those kids that everybody liked because he was so genuinely kind and gentle. He was outgoing, friendly, sweet and very accepting of others. He was very athletic and always willing to help the younger children learn how to play.

Friends gathered around him and he always was in the middle of things. As we all grew, life became more challenging. Michel lost his mother in early adolescence and was deeply affected by this. His father took the death of his wife very hard and was largely unavailable to his children. So, in an important way, Michael lost both his parents at a critical point in his life. In spite of this, his character and resiliency showed through in his attempts to make the best of it by helping and supporting his younger brothers. One would have to have seen Michael take care of his younger brothers the way he did to understand how distant from his nature it would be for him to hurt anyone. Our life may have looked privileged and entitled on the outside but on the inside life often did not feel that way.

Michael and I were close even though we were six years apart. He would always pause whatever activity in which he was engaged to say hello and talk for a while. His playmates could have cared less. I know this may seem like a little thing but I think it is very revealing. He really loves people and even in these younger years, that could not be missed.

Over the years, my sister, DesNeiges Terrien, has struggled with alcoholism. The last time I was trying to get DesNeiges into an alcohol rehabilitation center, he was, as usual, right there offering to help throughout the ordeal. He is particularly sensitive to alcohol addiction since he himself has suffered from it, as have many members of our family.

Nowhere is this capacity for love more revealed than in his relationship with his son, George. Michael was beside himself with joy when George was born. He so looked forward to raising his son as a totally involved father. It breaks my heart to think of George growing up without his father present and available to him for love, guidance, and support in the course of day-to-day interactions.

I beg the leniency of the Court in sentencing Michael to the minimum possible time away from George. Of course, all the rest of us want him back among us too, but I plead for George.

Sincerely

Ann Skakel Dowdle

Fairchild Publications, Inc.

Mary G. Berner President & CEO

July 9, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk
17 Belden Avenue
Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I am writing to you to plead for your consideration for the sentence of Michael Skakel at the low range of the possible term.

I am Michael's first cousin and have known him all of my life. I know firsthand how difficult his childhood was. This was in large part because of the long illness and subsequent death of his mother, and the lack of any kind of normal parenting from his father, and compounded by the fact that he had undiagnosed learning disabilities. As a parent of a child with learning disabilities who gets enormous support both from her father and me (and the school that she attends), I can't even imagine how difficult it was for Michael to go through his childhood with his disabilities and without the support that is so critical. For most of his formative years he never had even one semblance of any true guidance or support from his father, and although other relatives tried to help the Skakel children, the fact was that most of Michael's relatives lived in Chicago, and could only do so much.

I have spent holidays with Michael over the past several years and I can attest to the fact that despite considerable odds against him, he is a patient, loving and involved father to his son George, and a sweet and sensitive human being. He is known for dropping everything to help someone with a substance abuse problem and for being a dependable friend. I also know him to be an honest, and decent person who would not be a threat to anyone.

That said, I have utmost respect for the judicial system, so in my plea for consideration, I respectfully ask that when you look at all of the circumstances of this case, you consider a minimum sentence.

Sincerely,

Caroline Skakel Pinkey 2002 Whitley Avenue Los Angeles, California 90068

June 19, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky,

I have known Michael Skakel since 1980, he is my first cousin. I am the daughter of James and Virginia Skakel and I grew up and currently reside in Los Angeles. My father was the brother of Rushton Skakel Sr.

I first met Michael when I was fourteen years old and was taken by his enthusiasm for life, giving nature and willingness to help others. Michael has been a positive influence and an inspiration to me. He helped guide me through some difficult years by giving me sound advice. I am proud of him for maintaining his sobriety and helping others do the same.

Michael is a wonderful father. His son George is the center of his life. Michael is a kind, gentle, compassionate human being who has done many good things in his life. I have looked up to him as a mentor and a friend who has never let me down. I respectfully plead for leniency in his sentencing as I deeply believe he is a good man, loving father and a conscientious member of his community.

Sincerely,

Caroline Skakel Pinkey

Elizabeth B. Dowdle 224 Datura Street, #209 West Palm Beach, Florida 33401

June 23, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I am compelled to write to you about Michael Skakel. I am married to one of Michael's cousins and have known Michael for the last six years.

The Michael I know is a kind, considerate friend, a wonderful father and a caring son to his own father. Michael has spent his adult life helping others with addiction problems. He lives by the AA twelve steps and is a person of deep religious faith.

I have observed him with his own father, a man who is senile and not easy to be around. I was overwhelmed by the kindness Michael showed his father, even though I am aware of the difficult conditions under which he grew up.

He is passionate about being a good father and his little three year old son, George, loves him and needs him.

I find it incredible that Michael has not only endured the great difficulties of his childhood, but has rehabilitated himself and gone on to help others and to be an exceptionally loving father. He is a person that consistently demonstrates great empathy for others, even under the enormously difficult circumstances of the last few years.

I pray that you will show compassion, Your Honor, under these extremely tragic circumstances.

Sincerely,

Cliyabuth Dowdee Elizabeth B. Dowdle

Kathleen Sullivan Ridley

1702 Evergreen Road Anchorage, KY 40223

July 11, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk

Dear Judge Kavanewsky,

I am writing to let you know about Michael Skakel, my first cousin. Michael is a loving, supportive member of society. He has suffered tremendous obstacles in life yet has always maintained his kind nature. Michael has taken his experiences and used them to learn, improve, and help others with their struggles. He would give a person the shirt off of his back...or, he probably already has.

Please consider the positive and productive role Michael has chosen for the past twenty-five years when a decision for sentencing is made.

He has proven to be a caring improvement to those in need.

Thank you for your time.

Sincerely,

Kathleen Sullivan Ridley

August 8th, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I just wanted you to know what my experience with Michael Skakel has been over my life. As a younger cousin of his, I have spent a great deal of time with Mike in a wide range of circumstances and activities. In most of those times Michael has been someone to look up to, admire and for all his compassion for others—someone to emulate.

Michael's imprisonment has left a void in everyone's life who cares about him, mine included. I don't know if Michael is guilty or innocent. But I do know my cousin Michael. He is a wonderful person, and he will always have a lasting positive influence on the people that are around him.

I ask you to please be merciful towards him when you decide his sentence.

Sincerely,

Jim Skakel

4668 Phelps Creek Dr.

Hood River, OR 97031

Ann S. McCooey 442 North Street Greenwich, Connecticut 06830

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavenewsky,

I am writing to you on behalf of Michael Skakel. I have known him for 29 years.

I have watched Michael work quietly for those in need, from young people, struggling with addiction, to the elderly, struggling with loneliness. He brings compassion and understanding and a unique warmth that is rarely seen.

Michael has been there for me, supporting me, caring about my needs, and helping me to face my challenges. He will spend as much time as necessary to take me from a bad place to one of ease and laughter. When I had bronchitis, he brought me orange juice. This may sound mundane, but that kind of thoughtful gesture is common for Michael. He is always doing for others.

Michael has a deep faith in God and a contagious belief that love and acceptance can heal. I have talked with him about spirituality and trust. I am humbled and awed by his daily spirit and his warmth and exuberance. He is a man of character and principle.

I admire Michael for all that he has done and the shinning example of how he leads his life. Mostly though, I admire him in his role as a dad. He loves his son George and he is completely devoted to this small boy. Watching them together is both humbling and warming. Any child would be lucky to have Michael as a father.

Michael is an inspiration to me and to so many other people whose lives he has touched. I love Michael very much and he is very important to me.

I beg that as you consider a sentence for Michael, please be lenient.

Sincerely,

Jun S. McCocey

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06905

14 August 2002

Your Honor:

Life deals us good hands and at times, and not so good hands... sometimes we just have to play the cards that are in front of us. Michael is confronted with a hand that he must now play.

Michael has grown up in an environment that for better or worse none of the cards matched. As an infant Michael was allergic to almost everything, life was not so easy. Even as a pre-teen, Michael was always the smallest player on any team that he tried out for, and as such he worked twice as hard as anyone else, just to keep up.

Growing up in a family with five brothers and a sister without a mother, and then without a father was very tough on him. Mother being so sick with cancer for so many years and then dying when he needed the guidance that only a mother can give, really tore Michael apart, as well as the rest of us. All of us expect to bury our parents, but just not that early. The loss of mother was also too much for my father to bear and in trying to cope with such a loss, became lost, himself.

When our mother was ill we had a series of masses called novenas. Mass was once a day, every day for a week, dedicated to our mother. We had countless novenas over the last two years of her life. I remember the priests telling us that we must pray for our mother to get well and if we didn't then she would die. The priests were very hard on us, all of us.

When entering her hospital room, mother would say "it's so nice to see you" and upon reaching her bedside we'd look into her lifeless eyes always trying to comprehend the words "it's so nice to see you" from something that was so contrary to our vibrant, caring mother. She no longer resembled the mother I once new, the eternal athlete. I could have lifted her off the bed with one hand. The week she died, I prayed that God would take her and stop all of the suffering that she was enduring. God did take her and I thought I was responsible for her death. I thought that I was not only a bad Catholic but a terrible person for hoping that God with his complete wisdom, would see the suffering and stop it, he did. Years later I learned that Michael felt the same way, as well as other

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members of my family, responsible for mother's death. That in itself is a very heavy cross to bear. I lost my faith after mother's death; the church confused me so much. I cannot afford to loose my faith again; it's too hard coming back.

You're Honor, I know that my brother Michael had absolutely nothing to do with this horrible crime, he is innocent! I know that Michael went to the Terriens with Rush Jr., Jimmy Terrien, John and David.

I almost had a chance to testify, but Mr. Benedict called at around 9:30 pm the night before I was to testify and canceled my appearance.

liask that you take mercy on my brother, for he is truly innocent.

With great respect,

Thomas A. R. Skakel

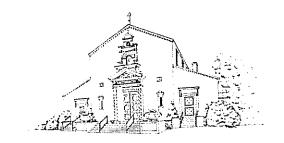
EXHIBIT B

Letters from clergy

Deacon Joseph G. Arsenault	. 43
Francis J. Moy, S.J.	45
Brother Luke Armour	46
Rev. John R. Sachs, S.J.	48
Most Reverend William J. McCormack	49
Reverend Gerard Creedon	50
Father Don Dovle56	0-A

St. Francis of Assisi Rectory

856 Washington Street South Braintree, MA 02184-6464 Telephone: (781) 843-1332



July 12, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Dear Judge Kavanewsky:

I am writing this letter to lend my personal support for a less severe sentence for Michael Skakel. I have known Michael for almost 15 years. I was Michael's tutor, counselor and mentor at Curry College's Program for Advancement in Learning (PAL). PAL is an internationally recognized program that provides support to bright students who have learning disabilities. I worked with Michael his entire time at Curry and continued to maintain a relationship with him until the present day. As a deacon of the Archdiocese of Boston I was involved in Michael and Margo's wedding.

The Michael Skakel that I know and have to greatly respect is a man of sincerity, honest and integrity. As his instructor in PAL I was responsible for all aspects of his educational and personal development while he was a Curry. His diagnosis of a learning disability came later in his life (what may have been different if it had been recognized sooner!) and once he acquired strategies to deal with his academic work, he became a good student.

What is most outstanding about Michael is not his academic achievements, but the quality of his character. He was and is passionately involved in Alcoholics Anonymous and was a model to others about addressing issues of substance. He was of great assistance to me with several students who developed serious substance problems. He not only advised me, but actively

became involved by meeting with them, encouraging to get help and bringing personally and at his expense to professional help.

This kind of commitment to help others continued after he left Curry. He always maintained contact with me. He sought may support as he made decisions to address painful issues in his own family that needed to be addressed. Some of these decisions he knew would be painful to him not only in a personal way, but in a very public way as well. He chose to make those decisions because he cared about people and he knew that they were the ethically correct decisions to make.

This is man, Michael Skakel, that I know. He is caring, honest to a fault, and sincere about his efforts. He passionately cares about his son. I plead to you to you, your honor, for a less severe sentence in his case.

If there is any way that I can be of assistance, please do not hesitate to call me.

God bless you. Peace and all good things to you and your family.

Respectfully,

Deacon Joseph G. Arsenault

Assistant Professor

Curry College PAL

Deacon: St. Francis of Assisi Parish

Dearn Joseph & Auenault

Saint Cecilia Church 1184 Newfield Avenue Stamford, Connecticut 06905

August 16, 2002

The Honorable Judge John Kavanewsky **Superior Court of Norwalk** 17 Belden Avenue Norwalk, Connecticut 06925

Dear Judge Kavanewsky,

I write to you on behalf of Michael Skakel. I have known Michael for seven years, although my contact and involvement with him has been much more intense in the last two years. I am a Jesuit Priest and a very close friend of Michael's Aunt, Ann McCooey. During the Court proceedings of the past two years, Michael has always stayed with his Aunt in Greenwich. During those times I have ministered to him as a Priest and as a counselor. On a number of times I have said Mass for him and the assembled Skakel family.

Michael is a very spiritual person, with a profound sense of his dependence on God. This is not something that evolved with the recent events of his life. As a young teenager he was rudderless after the death of his Mother. His Father was not there for Michael and his siblings after his wife died; he was lost in his own grief. Michael and his siblings became lost in the drug and alcohol culture of the 70's. It is to Michael's credit that he has been sober since he was 20. It is in the rooms of AA that I think that Michael found God, a relationship that has sustained him through these subsequent years.

I know that Michael's most intense prayer is not for his own well being, but that God will protect his son, George. There is a wonderful loving bond that exists between this Father and son. When I visited him in prison and Michael told me how he prays to the youngest of the Fatima children, whose name escapes me, to be George's special protector. Michael knows well what the reality of an absent Father meant in his own life and he fears for his young son. I respectfully ask you Judge to take this into account when you sentence Michael.

Francis J. Moy, S.J.

+ ABBEY OF GETHSEMANI 3642 Monks Road • Trappist, Ky 40051 • Phone: 502-549-3117 FAX 502-549-4124 • trappists@juno.com • www.monks.org

June 14, 2002

To whom it may concern:

Greetings from the Trappist monastery in central Kentucky! Please be advised that Skakel family members have been treasured friends of our community for nearly seven decades. So it was, when Michael Skakel came to the abbey for retreat in September, 2000, that he and I hardly needed introductions, but picked up the flow of conversation as if in mid-stream. We have kept up that easy exchange in regular telephone conversations since then. Through these levely and soul-full talks, Michael has shown himself to be a man of rare depth and character, with a heart rooted in love and on a mission of generous service. He is the real item, in my estimation. His spiritual aspirations are well-expressed and clearly focussed; his commitment to live in the truth is unmistakeable. Even, perhaps especially, in the most trying difficulties, Michael trusts that

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Hod will direct the course and provide the grace. This came across strongly every time we spoke I found him consistently kind-hearted, forgiving, and (best of all) unselfconscious/ready to laugh. His very keen love and devotion for young Heorgie, his son, must also be mentioned bober, transparent, and square with himself, Hod, and the world, Michael Skakel is a man of exceptional integrity and promise. He has only my deepest respect and I will gladly attest to this any time, anywhere. Thank you for letting me share. Feel free to contact me if I can be of further help.

Sincerely, Bro Luke armour OCSO monk of Hethsemani abbey

e-mail: lukemonk @ hot mail. com

p.2



WESTON JESUIT SCHOOL OF THEOLOGY 3 Phillips Place • Cambridge, MA 02138-3495 • Telephone: (617) 492-1960 • Fax: (617) 492-5833

Office of the Dean

August 15, 2002

The Honorable Judge John Kavenewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, CT 06825

Judge Kavenewsky:

I am a Catholic priest and have known Michael Skakel socially ever since he was a little boy. I have not been in contact with him for many years now; but it is precisely in virtue of my knowledge of him when he was young that I write to urge you to be lenient as you decide upon his sentence. It seems to me that even though he has been tried as an adult; even though it is an adult whom you have seen before you, we cannot forget the fact that he stands convicted of a crime committed when he was a boy. I knew that boy; our families were friends. I still remember the many Thanksgivings we spent together. I can still remember playing with him on the beach, just a boy. I cannot conceive of his having committed this horrible crime.

I beg you to try to imagine that boy as you determine the sentence. He was a boy then, not the man whose pictures we have all seen in the papers.

Among the arguments brought forth in the determination to try him as an adult was the point that the state does not have the appropriate facilities to punish him as a youth would have been punished under the law at the time of the crime — precisely because he is now an adult. Perhaps you could consider sentencing him to the comparable amount of time he would have served then as a juvenile, but to be served now as an adult in an adult correctional facility. I pray that somehow you will find a way to serve justice and show mercy.

Sincerely,

Rev. John R. Sachs. SJ

Jourstacht, of



Most Reverend William J. McCormack 142 East 29th Street New York, New York 10016

July 30, 2002

The Honorable Judge John Kavanewsky Superior Court of Norwalk 17 Belden Avenue Norwalk, Connecticut 06825

Your Honor,

I write in behalf of Michael Skakel who is currently awaiting sentencing before Your Honor's court.

I have known Michael all his life. His parents, Rushton and Anne, were close friends of mine. I also knew his four grandparents well. They were all truly outstanding people.

Michael himself I have always known to be respectful, unselfish and generous.

With this letter, I ask your leniency in sentencing Michael, for himself and for his son, George, with whom I know he has an unusually close relationship.

Grateful for Your Honor's consideration, I am

Respectfully yours,

Auxiliary Bishop (Ret.) Archdiocese of New York

FROM : St Charles Borromeo

St. Charles Borromeo Church

3304 North Washington Boulevard Arlington, Virginia 22201 (703) 527-5500 Fax: (703) 527-5505

P.01

August 15, 2002

Your Honbr.

I write to request leniency in your sentencing of Michael Skakel.

While I support justice for the Moxley family, I ask consideration for Michael on the basis of the circumstantial nature of the evidence that leaves reasonable doubt and especially on the basis of his good character.

I have met Michael at many family occasions; weddings, funerals, christenings and family meals. I have never seen any signs of violent or criminal inclination. On the contrary, he shares his family's deep commitment to Catholicism and to faith. I have always found him reverent and respectful.

Through his involvement with alcoholics anonymous he has had a profoundly positive influence on his friends and cousins. For example, Robert F. Kenned In. credits him with his sobriety.

If the purpose of sentencing is punishment, Michael has already suffered in the harsh court of public opinion. The public nature and prominence of his family have only served to deepen his rejection, shame and pain. If the purpose of sentencing is the protection of society, I believe his fellow citizens will be better protected by Michael's liberty to serve others than by his unmerited detention. I also appeal in the light of his son's need for the presence of his father.

Finally I appeal for mercy in the light of our Church's teaching that justice needs to be tempered by compassion. I trust that your ethical principles and your conscience will urge you on the path to leniency in your judgment of this case.

Blessed are the merciful, for they shall receive mercy"

Sincerely, great Creeden Rev Gerard Creedon

Pastor, St Charles Catholic Church

Suguet 23 2003 To The Honorable Judge John F. Kayenewsky: May some is Father Donald Dayle and I'm the postor of Se. Thereis's Church here in Undham, New York I'm writing on hehalf of Michael Skakel there are things about him I feel you should Know or you consider his sentence. There are Hungo I personally have been privey to and which I would like to share with you as one man who truste Hod to another I've Known Mechael and his family for 30 years the Skakels have always had a home in Windleam for as long as I've been here and they all have fullfully attended Sunday man at St Theresa's behevener they were in I was on familiar toines with all of the Skakele uith the father, Rushton Decently I've had the pleasure of penewing my relationship with Michael as an adult. Fast July while I was femiling my evening lorstational, a nice young man called out to me as I passed the gro thation next to
the church: He was felling his car with
gas and asked if I removeliered him: offert

page 2 that of course I did (though I hade 't seen him in a while as a fully grown adult) I recognize you you're mechael Skakel He modded and we exclusinged pleasantries. I could see he had grown up ento a very succe young man. Then Medsael said he would to apologinge for all the mischief he may have caused as a child in church. I told him that that was all water under the bridge fand that I had Let Juggones he Juggoned and I had with all the Children who had grown up ni ouer paush). I was generally glad to see him again: After that encounter I heard that his wife at the time - marget - (when I've also Known since she was a young guil - she grew up in this some town + parise) was denousing lim and that it was Tenning butter. I learned also that nechael had a heartful child of the marriage, Georgie, who I met for the first temi approached me and introduced herself and the child. I puttantly become and remain new ford of George He is a very forway child and has had much to hear on his little unocent shoulder. I can only love him dearly Os the denous proceedings got more and more heated, prehael asked me if I would eme and bless he house in an effort to stem and 000050 B

counteract the hurtful scenes that had taken place there in front of the child-then only two years ald. I was trapper to do so. I was encouraged by Muchael's request. When I arrived I usked mechant of there was any Clause of reconcelection. He told me quelly no - that Transpot was dead not on getting her devoice. This was not long for a priest to bear. I then blessed each from w his france. I was very pleased to see that Muchael remained very devant - be had some beautiful remenders of Christ's. Thesence on the main walls of his home. I was also pleased to greatest that despite the unhappy excumstances under which are relationship was renewed, I really liked the grown man Michael had become. Le's naturally affectionate and kind with a wonderful sense of huma. after their separation was made formal, Michael called me to ask if marget and he could use the rectory parking lot as a neutral place to make the child exchange that took place every 3 or 4 days or so, and which had not been going very well. I said of lourse they could. Your honor, this is the difficult part of the letter to write about. I spoke to people that saw and heard these child exchanges taking place. That little innocent boy Georgie, would scream and sob when he had to be separated from his father be has a deep and abiding love for Mechael, and the repeated separations inflected on him were almost too much to frear the would scream wide-eye Naddy, Daddy - please don't leave me . Daddy Iwant you - Please help me. - over and over again, his mother 000050-c

page 4 would strap him into his bodyseat and drive him away one could still hear turn screaning and aften vanitling Hirough his sobs This scene repeated over and over again was troubling to me. Muchael was helpless as to how to comfort his son as he himself was experiencing great destress and hereavening at being parted from George. He would say variations of Hungs like - it'll be all right, Georgie you go with monemie - she needs you, too, he would say, and then I'll see you again soon. Muchael would talk to me about it, seeking direction and solsce. The whole thing upset me very sunch. A mutual frærid told me late. Hat muchael was senshle to coast Georgie to see the Balay Jour luen at Christmortence in the church become Georgie would fexome to stressed whenever medical went near the church parking lot. He would very that he dedu't want Daddy to leave him He would become so agetated with fear that muchael would have to desire him back home

page > The fact lime the destressing some took place was when medial left Georgie to go to your court in Consenticut the week of June of the when the verdict I've learned first hand that young children - and animals too - (I'm a devoted lover of both) have a natural protection fail-safed cuto thear Dock-given innocence: children are uncomfortable around - and Therefore avoid people who hurt others and do bad Hung in Thoughts and actions I've Leongie's deep and real love for his father.

This genuineness as an innocent one reveals lovering nature than all that's been written and said about Michael Skakel there part many years. 000050^{-E}

I am moved to urge you as one man of God to another to seriously consider lemency when you fee the situation in which you have to decide the sentence for nuchael Skakel. Rapartfully Hours Harle