

## **EXHIBIT D**

Letter to Laurie Henesy, Probation Officer II .....	154
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**SANTOS & SEELEY, P.C.**  
51 Russ Street, Hartford, CT 06106  
TEL: 860-249-6548 FAX: 860-724-5533

## **FAX COVER SHEET**

DATE: August 16, 2002  
PAGES: 3  
TO: Ms. Laurie Henesy, Probation Officer II  
FAX: 1-203-357-0601  
FROM: Hope C. Seeley, Atty.  
SANTOS & SEELEY, P.C.  
RE: State v. Michael Skakel

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**Message:**

Please see attached.

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000154

SANTOS & SEELEY, P.C.  
ATTORNEYS AT LAW  
51 RUSS STREET  
HARTFORD, CONNECTICUT 06106-1566

HUBERT J. SANTOS  
HOPE C. SEELEY  
PATRICK S. BRISTOL

TELEPHONE  
(860) 249-6548  
TELECOPIER  
(860) 724-5533

**Via Federal Express  
and Telefax (203-357-0601)**

August 16, 2002

Ms. Laurie Henesy  
Probation Officer II  
Adult Supervision  
229 North Street  
Stamford, CT 06902

**Re: State v. Michael C. Skakel**

Dear Ms. Henesy:

Please find enclosed the following records:

**Employment Records:**

R.M. Bradley

**Academic Records:**

Brunswick School  
Copy of high school diploma from Pinehenge School (Elan)  
Bradford College  
Manhattan College  
School of Visual Arts  
Curry College

**Medical Records:**

Greenwich Hospital Records  
Caron Foundation  
Hazelden  
Louis D. Cox, M.D.  
Silvia W. Olarte, M.D.

**000155**

I am still waiting for records from several other institutions and doctors. I am hopeful that the records will come in next week and I will forward them to you as soon as I receive them.

I also am enclosing the several letters of support for your consideration. I have received numerous other letters which I will attach to my sentencing memorandum, but I believe these letters corroborate information provided to you from Mr. Skakel and his family members. Below is the list of letters that are enclosed herein:

Brother Luke Armour, Abbey of Gethsemani  
Deacon Joseph G. Arsenault, Curry College  
Carol Beck Colmer  
Marianne Carey Hayes  
David B. Hayes  
Jean M. Mahserjian, Esq.  
Michael E. Mone, Esq.  
John F. Mueller  
Natale Plateroti  
Shannon Shay Hayden  
Will Vinci  
Suzanne M. Walsh

In the folder marked "miscellaneous" I am enclosing a thank you note from Major Sean Lewis who is the gentleman that Mr. Skakel stopped and assisted on a major highway in 2001. Major Lewis and his family, which includes several young children, were stranded on the side of a road and Mr. Skakel came to their aid. I believe he related this incident to you during one of the interview sessions.

Also enclosed in the miscellaneous file are documents relating to Mr. Skakel's employment at Citizen's Energy (business card; 1996 letter referring to Mr. Skakel on the second page, and a 1998 W-2 Earnings Summary); and a sheet describing Mr. Skakel's Serenity Project. I have not yet received Mr. Skakel's employment records from Citizen's Energy.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

  
HOPE C. SEELEY

HCS/etm  
encl.

cc: Michael Sherman, Esq. (letter only)  
Clinton J. Roberts

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\*\*\* TX REPORT \*\*\*  
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000157

**EXHIBIT E**

Letter from Michael E. Mone, Esq..... 158

ESDAILE, BARRETT & ESDAILE

*Counselors at Law*  
*Seventy-five Federal Street*  
*Boston, Massachusetts 02110-1904*

CHARLES W. BARRETT, JR.  
JAMES N. ESDAILE, JR.  
NORMAN I. JACOBS  
MICHAEL E. MONE  
PATRICIA L. KELLY  
SHAUN SPENCER FORSYTH  
RHONDA TRAVER MALONEY  
ROBERT J. RUTECKI  
STEVEN J. RYAN  
C. WILLIAM BARRETT  
JON M. JACOBS  
KATHRYN E. HAND  
SHEILA E. MONE  
SARAH E. O'LEARY  
MICHAEL E. MONE, JR.  
JOSEPH P. MCGINN

(617) 482-0333  
FAX (617) 426-2978

J. NEWTON ESDAILE  
(1904-2001)

CHARLES J. MURRAY  
OF COUNSEL

August 14, 2002

The Honorable John F. Kavanewsky, Jr.  
Norwalk Superior Court  
17 Belden Avenue  
Norwalk, Connecticut 06825

Re: Michael Skakel

Dear Judge Kavanewsky:

Attorney Hope C. Seeley has asked that I write concerning my representation of Michael Skakel in 1997 regarding a criminal investigation conducted by the Norfolk District Attorney's Office here in Massachusetts. I represented Mr. Skakel in that case in which he was a witness concerning the conduct of his cousin, Michael Kennedy, and a young woman who was Mr. Kennedy's babysitter.

I am sure that some of the details of the Kennedy investigation are known to you, as I am aware that the young woman testified as a witness in Mr. Skakel's criminal trial so it is not my intention to rehash the details of the relationship between Mr. Kennedy and the young woman. However, the central issue in the investigation by the District Attorney's Office was the age of the victim at the time of her relationship with Mr. Kennedy. Because the victim refused to testify, Mr. Skakel was one of the few people who could testify regarding her age and he elected to cooperate fully with the District Attorney's Office, notwithstanding the fact that he felt an enormous conflict between what he saw as his duty to help the police investigation and his family loyalty to Mr. Kennedy, which was compounded by the fact that he was employed at that time by Citizens Energy, where Michael Kennedy served as Chief Executive Officer.

Importantly, prior to the time there was any public or police awareness concerning the young woman's relationship with Mr. Kennedy, Michael Skakel acted very honorably in trying to get his cousin to end the relationship and to see that the young woman received appropriate

000158

ESDAILE, BARRETT & ESDAILE

The Honorable John F. Kavanewsky, Jr.  
August 14, 2002  
Page Two

emotional support and counseling. He was also instrumental in having his cousin receive counseling and at all times sought to protect the victim.

I began representing Mr. Skakel when, as a result of sensational press reports concerning the relationship, the Norfolk District Attorney's Office opened a criminal investigation to determine whether or not there were criminal violations by Mr. Kennedy, given questions concerning the age of the victim at the time of the relationship. As stated above, Michael Skakel was the most important witness in regard to that central question and notwithstanding the conflict between his loyalty to his family and employer, he fully cooperated with the Norfolk District Attorney's Office and submitted to a lengthy interview by the investigators from that office. At no time did he attempt to protect or minimize the conduct of his cousin who was involved with the young girl and quite the contrary, provided the District Attorney's Office with important information regarding the time that the relationship commenced. At all times during that investigation, I believed, and believe now, that Mr. Skakel performed extraordinarily honorably in circumstances where family loyalty might have dictated that he resist cooperating with the authorities, as almost all of the other people involved in the investigation had done. He insisted that he would respond to the District Attorney's Office and helped them, notwithstanding the possible effect of his cooperation when he was under tremendous family pressure not to cooperate. Although the investigation was subsequently terminated by the District Attorney because the victim refused to cooperate, Michael Skakel's cooperation was never an issue. I also believe that as a result of his cooperation, he paid a very high price and was emotionally devastated by the reaction of some people in his family who could not understand why he voluntarily cooperated.

I obviously did not know Michael Skakel when the crime for which he has been convicted happened, and I can only base my observation on my experience with him when he was an adult and found himself in a position where the truth might harm people whom he loved and respected in his family. It also, incidentally, could have harmed the young woman who did not want the investigation continued. He always insisted on truthful cooperation and I was impressed by the sincerity with which he believed that he had to both help the young woman and cooperate with the authorities.

By way of background, I am a trial lawyer with almost 35 years of experience in the Massachusetts State and federal courts. I have served a president of the state trial lawyers

000159

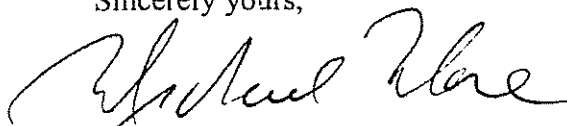


ESDAILE, BARRETT & ESDAILE

The Honorable John F. Kavanewsky, Jr.  
August 14, 2002  
Page Three

organization, the Massachusetts Bar Association, and in 1999, I was the 50<sup>th</sup> President of the American College of Trial Lawyers. I hope the information I have provided might aid you in your consideration of Mr. Skakel's sentence.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Michael E. Mone".

Michael E. Mone

MEM/rg

000160

## **EXHIBIT F**

Letter from Sean Lewis, West Point, NY ..... 161

4 JUN 01

Dear Michael;

I want to thank you for your kindness and true selflessness in assisting me and my family during our time of need. Your actions were far above the call of duty.

It took my wife about two seconds to figure out who you were after she read your full name. I wish you had told me. Nothing would have changed in regard to how I would have treated you. You see, we have all sinned and fallen short of pleasing God - None of us are pleasing in God's sight. This is why we are such a frail and needy people. This is why God sent His only Son to die in our place. We deserve death and Hell but Christ paid the price for our sin. And sin shall not have dominion over us if we would just accept this free gift of Christ.

000161

So whatever may have occurred in your past, you can be sure of your future if you have a true faith (relationship) in Christ AS your SAVIOR.

I do NOT know why you STOPPED to help us. I do NOT know why my prayer of "God, please send just the right person to help us" was answered by Him sending you. But what I do know is that God meant for you and my family to come in contact through our misfortune.

Thank You Again, from the bottom of my heart.

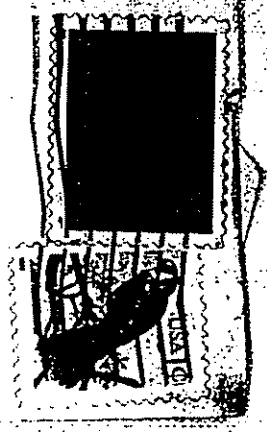
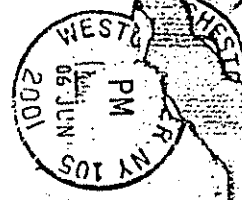
In God's precious Grace.

GEAN Lewis

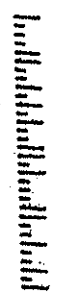
If we can help you in any way please call (845) 446-6402. We will be moving on June 22. I am praying for you - it makes a difference.

000162

MAST. SEAN LEWIS  
31204 RABBITE  
12517 Point NUP  
10476



Mr. Michael Skakel  
P.O. Box 1033  
Windham, NY 12496



000163

## **EXHIBIT G**

Business cards of Michael Skakel.....	164
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**MICHAEL SKAKEL**  
General Manager

**TEAM ACTION, INC.**

P.O. BOX 1824  
FORT LEE NJ 07024  
(201)947-6062 (TEL.)  
(201)947-1683 (FAX.)

**Committee to Re-Elect  
Senator Edward M. Kennedy '94**

**Michael C. Skakel**  
Advance / Scheduling

270 Congress Street • Fourth Floor • Boston, MA 02210  
Office (617) 338-9494 Fax (617) 338-1181

Paid for by the Committee to Re-Elect Senator Edward M. Kennedy '94



**CITIZENS ENERGY CORPORATION**  
a non-profit energy company

**MICHAEL C. SKAKEL**  
Director International Programs

530 Atlantic Avenue  
Boston, Massachusetts 02210 (USA)  
Tel: 617-338-6300  
Tel: 617-951-0418 (direct and voicemail)  
Fax: 617-772-7522  
Email: 210-9228 @mcimail.com

000164

## EXHIBIT H

Project Serenity Statement .....	165
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PROJECT SERENITY  
A Non-profit Corporation\*

Project Serenity is a non-profit corporation created to insure that the alcohol and drug treatment centers in this country provide good and non-abusive treatment.

In the last decade, courageous and outspoken citizens such as Betty Ford, Nancy Reagan, Joan Kennedy, Father Joseph Martin, and many others have brought to the forefront the horrible and pervasive effects of chemical dependence. They have made the public aware of the necessity of taking active steps to fight this dependence. This new awareness has spawned a proliferation of treatment centers.

Many of the centers live up to their purpose of providing safe, monitored detoxification programs and expert counseling for patients seeking help with their addiction. Many others, though, have been opened by charlatans. Some proprietors have had little or no experience in the treatment of addiction, and have created centers based on injurious and non-therapeutic theories of treatment. Some are interested only in making a profit for themselves, at the expense of the patient. Other centers are systemically abusive of the patient - both emotionally and physically. This is especially odious in the case of adolescents, who have little recourse in fighting these conditions once they are admitted by parents or the court.

The purpose of Project Serenity is to seek out charlatans and bring them to justice through public relations, investigation, dissemination/exposure, education and any other method that is appropriate. Project Serenity appreciates centers such as the Betty Ford Clinic, Father Joseph Martin's Ashley House, Heritage Treatment Centers, and many other treatment centers that are based on the dignity of the patient. It is our view that if we are to resolve this hideous problem of drug and alcohol abuse, we must resolve the problem of abusive and harmful treatment centers. We must insure that people who are willing to confront their problems receive safe and successful treatment.

\* Non-profit status with the Internal Revenue Service is pending.

000165

## **EXHIBIT I**

New York Times article dated February 19, 1996 ..... 166

THE NEW YORK TIMES INTERNATIONAL MONDAY, FEBRUARY 19, 1996

991000

# Mexican Party Pulls Out of Talk

By JULIA PRESTON

MEXICO CITY, Feb. 18 — The main opposition party has embarrassed President Ernesto Zedillo by pulling out of negotiations to make Mexico's political system more democratic, charging that the Government is continuing a decades-old practice of stealing elections.

The party, National Action, announced its decision to withdraw from the talks late on Saturday. The discussions between the Government and the major political parties are intended to produce a broad reform of the electoral process by creating a genuinely independent oversight organization and limiting campaign financing among other measures.

The right-of-center National Action Party, known as the PAN, is protesting the results of elections last Nov. 12 in Huejutzingo, a town about 30 miles east of the capital in the state of Puebla. Official polling station records showed the PAN won the election over the PRI by 90% votes. But a state elections commission, controlled in practice by the governing party, annulled enough votes on technicalities to pass the victory to the PRI by 28 votes.

Huejutzingo, a town of corn farmers on the edge of the fast-growing industrial metropolis of Puebla, became the focal point of a power struggle of national proportions. In the same November elections the some local content refused to comment. "It doesn't allow the Government changing at it when in fact the antidemocratic that hasn't charón Hinojosa, a said today. Last week fused to allow raised at the n Saturday, the C issued a statement too limited de'v talks on nr. Jems"

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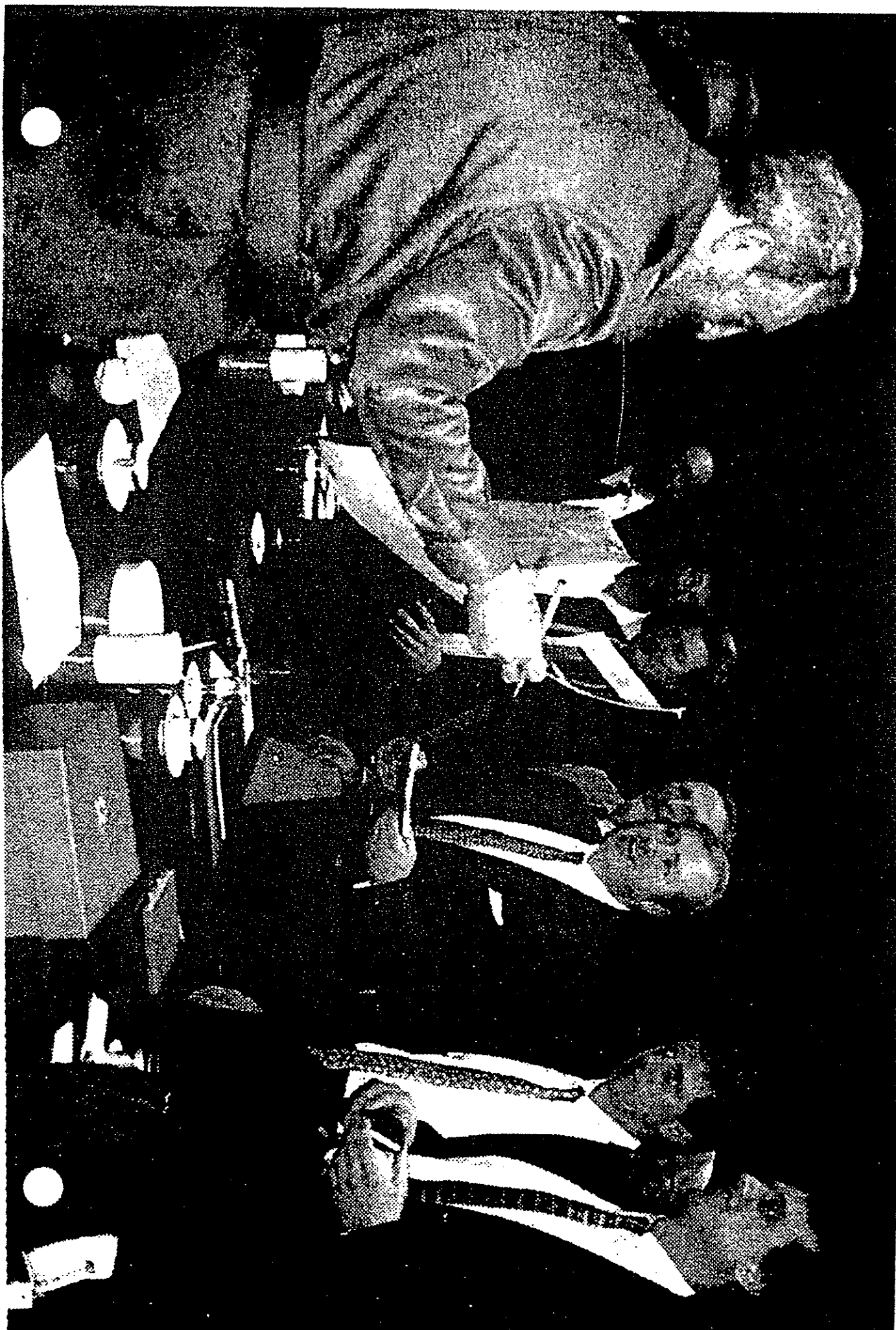
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Article, page A7.

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NOTES?

President Fidel Castro of Cuba greeted Robert F. Kennedy Jr., right, and Michael L. McInerney, secretary, in Havana yesterday during a meeting with American energy experts and environmentalists.

000168

# A Kennedy-Castro Talk Touched by His

By LARRY ROHTER

HAVANA, Feb. 18 — At the height of the cold war, Fidel Castro and John F. Kennedy were the bitterest of adversaries. So when the Cuban leader strode into a reception room at the Palace of the Revolution here early today to meet Robert and Michael Kennedy, two nephews of the American President, history hung heavily over the encounter.

The Bay of Pigs, the Cuban missile crisis — Mr. Castro reflected on the major conflicts between the United States and Cuba that marked his first years in power, and on the Kennedy assassination. But pressed by his American visitors during a colloquy that lasted nearly three hours, he also responded to issues that still

cloud relations with the United States, like human rights and Cuba's nuclear power program.

"My family and my own life have been intertwined with Cuba," Robert F. Kennedy Jr. told Mr. Castro at one point, recalling how as a child he was allowed by his father, the Attorney General and chief adviser to his brother the President, to come into meetings on the Cuban missile crisis. "Although there was much antagonism in the political relationship," he added, there was also respect for Mr. Castro's skills as a soldier and leader.

"It's unfortunate things happened as they did, and he could not do what

he wanted to do," Mr. Ca referring to John F. Kennedy's assassination. "It is my intention that it was his intention missile crisis to change the work" of relations between the States and Cuba, which hostile even today.

The Kennedy brothers in Cuba since Wednesday private visit by a delegation of American energy experts from the Natural Resources Council and the Citicorp Corporation.

The United States Government granted the groups the license to travel

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Continued on Page A6, C

Cuba greeted Robert F. Kennedy Jr., right, and Michael L. Neimncy, second from left, during a meeting with American energy experts and environmentalists.

# Y-Castro Talk Touched by History

cloud relations with the United States, like human rights and Cuba's nuclear power program.

"My family and my own life have been intertwined with Cuba," Robert F. Kennedy Jr. told Mr. Castro at one point, recalling how as a child he was allowed by his father, the Attorney General and chief adviser to his brother the President, to come into meetings on the Cuban missile crisis.

"Although there was much antagonism in the political relationship," he added, there was also respect for Mr. Castro's skills as a soldier and leader.

"It's unfortunate things happened as they did, and he could not do what

he wanted to do," Mr. Castro said, referring to John F. Kennedy's assassination. "It is my impression that it was his intention after the missile crisis to change the framework of relations between the United States and Cuba, which remains hostile even today.

The Kennedy brothers have been in Cuba since Wednesday as part of a private visit by a delegation of 10 American energy experts and environmental safety advocates organized by the Natural Resources Defense Council and the Citizens Energy Corporation.

The United States Government granted the groups the licenses that allowed them to travel legally to

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Continued on Page A6, Column 3

**When a Spouse Te**  
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**Today's TV ]**  
Television and r and advertising aq on pages B6-7.

**News Summary**

Arts .....  
Business Day .....  
Editorial, Op-Ed .....  
International .....  
Metro .....  
National .....  
SportsMonday .....  
Media ..... D5 T  
Obituaries ..... B5 W  
Classified ..... A12 A

591000

# Kennedy-Castro Encounter

Continued From Page A

Cuba for the visit, which is to end on Monday.

Robert F. Kennedy Jr., 42, is senior staff attorney for the Natural Resources Defense Council, which is based in Washington, and lobbies in the United States and abroad on environmental and energy issues.

Michael L. Kennedy, 37, is chairman of Citizens Energy Corporation, a Boston-based nonprofit company that promotes the development of alternative energy resources and has been active in the third world.

Their meeting with the Cuban President began at 12:30 this morning because, Mr. Castro said, he had been watching a Cuban baseball playoff game on television late Saturday night and wanted to see how it ended. The team he was rooting for, Villa Clara, won 12-4, as it turned out, beating the Havana Industriales, and Mr. Castro entered in a chipper mood, wearing his customary green fatigues.

As is his custom in such discussions, the Cuban leader roamed over a wide variety of topics, offering assessments of luminaries ranging from Jacques Chirac and Mikhail S. Gorbachev to Babe Ruth and Louis Farrakhan. But he turned several

Cuba in which both Mr. Castro and Nikita S. Khrushchev were forced to back down. "It was different than after the Bay of Pigs."

The day President Kennedy was killed, Mr. Castro recalled, he was meeting with a French journalist who had agreed to serve as an unofficial messenger between the men. "We were talking in Varadero at noontime," he said, referring to a beach resort on Cuba's northern coast. "What a coincidence that was. Just as we had started talking, the radio broadcast news of the President's assassination. That was very dramatic news, especially for me."

Michael Kennedy informed Mr. Castro that recently declassified United States Government documents now in the possession of the Kennedy Library in Boston indicate that President Kennedy was considering steps to improve relations with Cuba at the time he was killed.

"Have they all been declassified?" asked a clearly curious Mr. Castro, who was given copies of the documents at the end of the meeting.

Mr. Castro was also reminded that before he seized power in 1959, Robert and Michael Kennedy's maternal grandfather, George Skakel, owned a home in Varadero, where a neighbor was Fulgencio Batista, the dictator Mr. Castro would overthrow.

"Did we nationalize it, by any chance?" Mr. Castro asked, laughing at the thought. He then mocked legislation currently before Congress, sponsored by Senator Jesse Helms, the North Carolina Republican, and Representative Dan Burton, a Republican of Indiana that would im-

000170

## Cold war standoff turns into a tête-à-

## turns into a tete-a-tête.

times to his memories of the three years in which he squared off against John and Robert Kennedy during the cold war.

Mr. Castro did not refer to the American-sponsored assassination attempts against him that took place during the Kennedy Administration, nor did he offer his theory of who killed the President. But he talked at some length about the failed Bay of Pigs invasion in April 1961, which, he argued, was primarily a product of the Eisenhower Administration. The invasion attempt, carried out by Cuban exiles who were armed and trained by the United States, was a disaster, with most of the invaders killed or captured.

"I don't think they were left with many options in regard to Cuba," he said, referring to John and Robert Kennedy. "When they took office, all the plans were on. It would have been too difficult for them to change things. I think they inherited a legacy from the previous Administration."

Clearly in a ruminative state of mind, the Cuban leader reflected on how the fortunes of the Kennedy Administration were linked with his own. "President Kennedy enjoyed great prestige after the missile crisis," he said of the October 1962 showdown over Soviet missiles in

the North Carolina Republican, and Representative Dan Burton, a Republican of Indiana, that would impose sanctions on foreign investors who acquire properties in Cuba originally owned by Americans.

"You don't need Helms-Burton to be able to go there," to the family's winter home, he told the Kennedys and their cousin Michael C. Skakel. "We can make an arrangement."

Appealing to their host's sense of history, and his place in it, the Kennedys urged Mr. Castro to free several political prisoners. The Cuban leader did not seem surprised by the request, but neither did he offer much encouragement when he was handed two lists of names.

"You too?" he said, referring to previous meetings with members of the Kennedy family and foreign delegations that have also asked him to release political prisoners. "You can show me the list so that you will be forgiven in the United States."

After examining the lists and asserting that "these were surely given to you by the State Department," Mr. Castro suggested that if the United States lifted its 34-year economic embargo against Cuba he might be inclined to be more yielding.

"When the blockade is lifted and there are no longer hostilities, this category of prisoner will not exist anymore," he said. "It's in your hands. It's up to you."

Mr. Castro's remarks followed a roundup in recent days of Cuban dissidents. At least 10 people, all of

000171



er table at right, at a White House meeting during the Cuban Missile Crisis.

# nter Touched by History

and them members of a coalition of oppo-  
 1 to sition, human rights and professional  
 an groups called Concilio Cubano, have  
 been arrested in the crackdown, and  
 was another is still being sought, accord-  
 was ing to colleagues of those detained.

list The coalition has been trying to  
 offi- organize a conference here next  
 en. weekend and has asked for Govern-  
 at ment authorization to meet, citing  
 a provisions of the Cuban Constitution.

ern The bulk of the meeting was de-  
 devoted to discussion of Cuba's energy  
 the needs and its recently renewed nu-  
 esi- clear power program. The Kennedys  
 ery and the others in the delegation  
 " strongly urged Mr. Castro to aban-  
 Mr. don the nuclear program, arguing  
 ided that alternative energy sources  
 cu- would be far safer, cleaner, cheaper  
 the and more efficient.

ate The future of the nuclear power  
 sid- plant is "a very complex question,"  
 with

Mr. Castro responded. But he indi-  
 cated some flexibility on the issue  
 and poked fun at his former Soviet  
 allies and their technology, saying he  
 looked forward to the day nuclear  
 reactors would become "20th-centu-  
 ry pyramids, like those in Egypt,"  
 and describing the Soviet Union's  
 nuclear power program after the  
 Chernobyl disaster as "just an ex-  
 cuse to ask for more money."

As Mr. Castro was speaking, a  
 Russian delegation led by Minister of  
 Nuclear Energy Viktor Mikhailov  
 was arriving here to discuss plans to  
 finish a nuclear reactor on Cuba's  
 southern coast. If anyone else has a  
 better idea, the Cuban leader indicat-  
 ed in what was clearly a reference to  
 the United States and other Western  
 nations, he would be happy to hear it.

"That chapter is not closed yet,"  
 he said. "We are open to options."

000172

## Colombia Chief Denies He Spoke of Quitting

By The New York Times

BOGOTÁ, Colombia, Feb. 18 —  
 The office of President Ernesto  
 Samper denied today that he had  
 said "that he is seeking at this time  
 the capacity to leave in a dignified  
 form from the presidency."

A statement from Mr. Samper's

Friday, was tape-recorded.

The statement from the Presi-  
 dent's office said the article attribut-  
 ed to Mr. Samper "sentences that he  
 never uttered and that were out of  
 context." The statement said he had  
 been a victim of "manipulation."

## **EXHIBIT J**

Report from Clinton J. Roberts of Alternative Sentencing Consultants, Inc.

**ALTERNATIVE SENTENCING CONSULTANTS, INC.**

44 CAPITOL AVENUE • SUITE 402  
HARTFORD, CONNECTICUT 06106

CLINTON J. ROBERTS

Email: [cjrascinc@aol.com](mailto:cjrascinc@aol.com)  
[www.sentencingconsultants.com](http://www.sentencingconsultants.com)

(860) 278-5252  
FAX: (860) 246-3727

August 22, 2002

Santos and Seeley, P.C.  
Hope Seeley  
Attorney at Law  
51 Russ Street  
Hartford, Connecticut 06106

**RE: State v. Michael Skakel**

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**MEMORANDUM**

**I.**

**PURPOSE**

Alternative Sentencing Consultants, Inc. submits the following memorandum at the request of Attorney Hope Seeley of the Law firm Santos and Seeley, in behalf of her client, Michael C. Skakel. The purpose of Attorney Seeley's request was for the undersigned to investigate and submit to her information pertaining to alternative sentencing options, Department of Correction and Board of Parole issues. These alternative sentencing options are placed in the context of the offense for which Michael Skakel has been found guilty, namely murder in violation of Connecticut General Statutes §53a-54a (a). Attorney Seeley provided the undersigned with the relevant statute in force at the time of the instant offense in 1975. Therefore, according to the statute and in discussion with Attorney Seeley, the law at the time of the instant offense was based

on an indeterminate sentencing structure. In this regard, the minimum penalty pursuant to this statute is 10 years not to exceed 25 years. The maximum sentence range is not to exceed life.

By way of background the undersigned has over 20 years of professional experience in the criminal justice system and is a former State of Connecticut Probation Officer. The undersigned has been in private practice as a sentencing consultant since 1987. In preparation of this investigation the undersigned interviewed Michael Skakel on several occasions. During this investigative process the undersigned interviewed professional staff at the Department of Correction including but not limited to staff members at the Garner Correctional Institution where Michael Skakel has been incarcerated since his conviction on June 7, 2002. Other correctional professionals interviewed included staff members of the Department of Correction assigned to Central Records and a Department of Correction statistician.

Moreover, in an attempt to give perspective to the statutory sentencing range as stated above the undersigned also 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. His experience regarding sentencing for criminal offenses that occurred in or about 1975, in particular where a juvenile was charged with murder may give reason for this sentencing court to consider a lesser sentence. As the court is aware, Michael Skakel was a juvenile at the time of the offense having turned 15

years old the month prior to the offense for which he was convicted of some 27 years later. Furthermore, the undersigned is aware of the Juvenile Court's decision in January 2001 to transfer Michael Skakel's case to adult court. Therefore, citing the comments of Attorney Oleyer are meant as a historical reference providing insight into the sentencing of courts in or about 1975 and examples of the tenor of political thinking in the criminal justice system regarding cases like the instant one. Moreover, this information may give this court good cause to consider a downward departure from the maximum penalty afforded the court by statute in adult court. Therefore, the testimony of Attorney Oleyer should provide this court with reliable and, in the opinion of the undersigned pertinent information pertaining to the sentences of murder cases committed by youth in or about the time of the instant offense.

Additionally, the undersigned contacted the Board of Parole in Waterbury to obtain information regarding parole eligibility pertaining to persons sentenced under the indeterminate law and those individuals serving indeterminate life sentences for the charge of murder. It is noted that the State Legislature repealed the indeterminate sentencing laws in 1981 replacing it with a determinate structure. After 1981 persons convicted of murder were no longer eligible for parole. The maximum sentence in murder cases after 1981 was 60 years.

II.

ALTERNATIVE SENTENCES IN JUVENILE CASES

In order to gain an understanding of the tenor of the times in juvenile court specifically regarding the sentences of the judges in murder cases occurring in or about 1975, the undersigned interviewed Attorney George Oleyer. The reason for gathering this information is to provide this court with an understanding of the thought process of judges in cases similar to the one now before this court for sentencing. In particular the sentences imposed in murder cases when the accused was of juvenile age.

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 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 to 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 maybe 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 in 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.

**III.**

**PENALTIES/CALCULATIONS AND PAROLE ELIGIBILITY**

Pursuant to Connecticut General Statutes §53a-54a (a) that was in effect in 1975, states that the minimum sentence the court may give has a range of not less than 10 years and not more than 25 years. The maximum sentence is life. The undersigned requested the Department of Correction to provide statistics for those individuals currently sentenced charged with murder whose offense date was in or about 1975 but not after 1981 (please see **Appendix A**). The statistics indicate that the sentences imposed under the penalty of this statute encompass terms of incarceration from the minimum 10 years to the

maximum life. In particular, for those convicted under Connecticut General Statutes §53a-54a (a) between January 1, 1975 and June 30, 1981 the average sentence was 18 years to life. These cases were all sentenced in the adult court. This being said, in discussing the statute and the sentencing ranges with counsel and the Department of Correction there is a consensus that this court by the language of the statute 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.

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.

In this regard the undersigned contacted the Board of Parole. In reference to an indeterminate sentence of life the inmate is eligible to be considered for release to parole at the minimum term less any earned good time. Based on the statutory maximum penalty example of a minimum of 25 years to life the inmate would serve about 13 ½ years in prison before being eligible to be considered for parole. However, the Board of Parole has "*unfettered discretion*" in parole matters and may decide not to parole an inmate at the first time he appears before the Board of Parole. The standard policy of the Board of Parole is that an inmate serving an indeterminate life sentence is not granted parole the first time around. In fact, lately the Board of Parole has been denying parole for life in some murder cases where the sentence had a maximum of indeterminate life. There is no guarantee that a person sentenced to an indeterminate sentence of life will be released to parole. It is possible that a sentence of indeterminate life itself could be tantamount to a sentence of "natural life" based on recent Board of Parole decisions denying an inmate in this category of offense and sentencing structure from ever again appearing before the Board of Parole for release. The Board of Parole may base their decision to deny solely on public opinion or victims comments rather than the inmate's suitability for parole, good institutional record, low risk to reoffend or that he does not present a danger to the community. The parole process itself, therefore is based on the notion of unfettered discretion, which is arbitrary at the very least.

IV.

INSTITUTIONAL ADJUSTMENT

Since the verdict on June 7, 2002 Michael Skakel has been held without bond at the Garner Correctional Institution in Newtown, Connecticut. It is important for the sentencing court to be aware that Michael Skakel has been cooperative with correctional staff and has engaged in treatment during his presentence detention. In a letter attached herein, Major John Lahta at the Garner CCI wrote, "...Mr. Skakel has regularly attended both AA meetings and Religious Services. Additionally, his institutional adjustment can be deemed positive as he has remained free of any disciplinary reports..." (please see **Appendix C**).

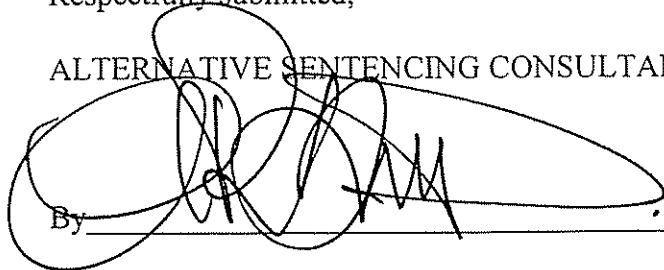
It is also noted that Major Lahta indicated that Michael Skakel has been cooperative with staff. He is being held in the mental health unit where he is prescribed antidepressant medication and a prescription for high blood pressure. In this regard, it was noted that he has been very cooperative with the mental health staff on his unit, as well.

After he is sentenced Michael Skakel will undergo an assessment by the Department of Correction at the Walker Reception Center in Suffield. Based on the nature of the offense the Department of Correction is likely to classify him as a Level 4 inmate that

means that he will be incarcerated in a maximum-security correctional institution. It is probable that he will remain in a Level 4 facility for his entire term of incarceration unless he is voted to parole at some point in the distant future. And, unless he is voted to parole and has a parole release date, he will not be eligible for any type of community release or halfway house participation.

Respectfully submitted,

ALTERNATIVE SENTENCING CONSULTANTS, INC.

By  \_\_\_\_\_

Clinton J. Roberts

44 Capitol Avenue, Suite 402  
Hartford, Connecticut 06106  
(860) 278-5252

**APPENDIX A**

**- Department of Correction Statistics**



**STATE OF CONNECTICUT**  
**DEPARTMENT OF CORRECTION**  
24 WOLCOTT HILL ROAD  
WETHERSFIELD, CONNECTICUT 06109

**FAX**

TO: Clinton Roberts  
Alternative Sentencing Consultants, Inc  
Fax: (860) 246-3727

FROM: Susan Savage

SUBJECT: Sentence length information for:  
C.G.S 53a-54 and C.G.S 53a-54a Murder

DATE: August 22, 2002

Per your request of August 16, 2002, please see the attached: a summary sheet and listings concerning sentence lengths based on our records. The data is for offenders that were incarcerated for sentences received for the offenses, C.G.S 53a-54a Murder and C.G.S 53a-54 Murder, committed between January 1, 1975 and June 30, 1981.

The listings are provided because of the variations in indeterminate sentence lengths. Please let me know if you have any questions.

Number of pages 5 including this cover page.

Susan Savage  
Management Analyst 3/Director of Research  
Telephone: (860) 692-7807  
Fax: (860) 692-7586  
e-mail: Susan.Savage@po.state.ct.us

cc: Deputy Commissioner Jack Tokarz

*An Equal Opportunity Employer*



**53A054A Murder:**

Total number of inmates sentenced for an offense committed between 1/1/1975 - 6/30/1981: 78\*  
Minimum Sentence: 10 YRS TO LIFE  
Maximum Sentence: 25 YRS TO LIFE  
Average Sentence: 18 YRS TO LIFE

**53A054 Murder:**

Total number of inmates sentenced for an offense committed between 1/1/1975 - 6/30/1981: 14  
Minimum Sentence: 10 YRS TO LIFE  
Maximum Sentence: 25 YRS TO LIFE  
Average Sentence: 17 YRS TO LIFE

\*Inmate 10716 (Observation # 12) excluded from the mean. Inmate's extraordinarily high minimum would inaccurately skew the mean.

State Of Connecticut  
Department of Correction: Research  
August 22, 2002

CONNECTICUT DEPARTMENT OF CORRECTION- RESEARCH  
 INCARCERATED INMATES W/ A CONVICTION ON  
 CGS: 53A-54A  
 & AN OFFENSE DATE: JANUARY 1 1975 - JUNE 30, 1981  
 REPORT: AUGUST 22, 2002

Obs	OFFENSE DATE	SENTENCE DATE	NUMBER	NAME	OFFENSE	MIN	MAX
1	25APR75	23JAN76	64133	MCLAUGHLIN, MICHAEL MURRAY	53A054A	20.0	999.0
2	29OCT75	23JUN83	68633	AYCOLLIE, BERNARD LINCOLN	53A054A	12.0	999.0
3	21JAN76	30JUN76	55180	MENDEZ, EDWIN BONILLA	53A054A	14.0	999.0
4	08APR76	04MAR77	23250	BARNES, RICHARD ALLEN	53A054A	25.0	999.0
5	22JUN76	24JUN77	48551	ELLIOTT, ROBERT LEE	53A054A	20.0	999.0
6	16OCT76	17MAR78	22796	LUCAS, DUANE BARRY	53A054A	10.0	999.0
7	12NOV76	12NOV76	45562	TOSTE, WILLIAM	53A054A	25.0	999.0
8	01APR77	01APR77	68716	CHERKOWSKY, JOHN MICHAEL	53A054A	25.0	999.0
9	12APR77	19APR83	68465	OSTROSKI, RICHARD JOHN	53A054A	25.0	999.0
10	09MAY77	09MAY77	71893	MALDONADO, JOSE ANIBAL	53A054A	20.0	999.0
11	17JUN77	17JUN77	73229	LANDRY, RICHARD ALLAN	53A054A	10.0	999.0
12	22JUL77	30NOV79	10716	ACQUIN, LORNE JOE	53A054A	105	999.0
13	16SEP77	24JUL78	13082	WHITELY, JOSEPH FRANK	53A054A	15.0	999.0
14	10OCT77	06FEB87	57340	BROWN, PAUL JULIAN	53A054A	25.0	999.0
15	21NOV77	19DEC89	38371	CASTONGUAY, GARY GERALD	53A054A	20.0	999.0
16	21DEC77	12MAY78	79281	BAILEY, DAVID EARL	53A054A	10.0	240.0
17	17JAN78	16MAR82	69529	MORRILL, TODD CRAIG	53A054A	18.0	999.0
18	02MAY78	02MAY78	50481	PEREZ, JOSE DAVID	53A054A	17.0	999.0
19	12MAY78	12MAY78	59845	RANDOLPH, WALTER HENRY	53A054A	13.5	999.0
20	10JUN78	23MAY79	84493	GATLING, KENNETH LAWRENCE	53A054A	15.0	999.0
21	13JUN78	31AUG79	84588	FALBY, EDWARD	53A054A	17.0	999.0
22	29JUN78	15FEB79	71590	THERRIEN, STEVEN WAYNE	53A054A	15.0	999.0
23	29JUN78	20JUN78	80032	STANKOWSKI, GARY JACOB	53A054A	12.5	999.0
24	23JUL78	20JUL79	24575	DANTONO, RAYMOND PETER	53A054A	25.0	999.0
25	16AUG78	25JAN79	74832	TOHLES, GLENMORE DILLARD	53A054A	14.0	999.0
26	08OCT78	29JUL86	86861	VIVAL, DANIEL JR	53A054A	12.0	999.0
27	24OCT78	24JUN94	219013	FLORCZAK, JOSEPH	53A054A	18.0	999.0
28	27OCT78	07MAY99	87168	NAVARRO, CARMELO	53A054A	23.0	999.0
29	17NOV78	08MAY81	93837	PARKER, WILLIAM CARROLL	53A054A	22.0	999.0
30	24DEC78	11JAN80	88017	CANADY, ALAN WAYNE	53A054A	18.0	999.0
31	30DEC78	26JUN81	88150	COLON, EUGENIO LUIS	53A054A	25.0	999.0
32	06FEB79	11JUL80	60331	ALEXANDER, WAYNE BRUCE	53A054A	17.0	999.0
33	07FEB79	26NOV80	72578	CHACE, LARRY	53A054A	12.0	999.0
34	16MAR79	16MAR79	2118	WATSON, CHARLES HAYWOOD	53A054A	15.0	999.0
35	23MAR79	23MAR79	46330	WALLACE, WILLIAM J	53A054A	20.0	999.0
36	29MAR79	29MAR79	25705	MASON, WILLIAM HENRY	53A054A	20.0	999.0
37	29MAR79	23OCT81	90042	REID, EARL HEAD	53A054A	12.0	999.0
38	20APR79	20APR79	40185	MOORE, OTIS ODELL	53A054A	18.0	999.0
39	29APR79	29APR79	79164	BIONDI, DANIEL VITO	53A054A	15.0	999.0
40	04JUL79	22AUG80	91272	SARGOVIC, JOHN ALLEN	53A054A	22.0	999.0
41	06JUL79	01JAN81	91298	STEPNEY, WILLIAM HENRY	53A054A	12.0	999.0
42	02AUG79	09MAY80	83446	GRAHAM, ROBERT E	53A054A	15.0	999.0
43	11AUG79	31JUL81	94657	MERCHANT, ERNEST E	53A054A	25.0	999.0
44	24AUG79	07NOV80	92235	MARTIN, JOHN	53A054A	25.0	999.0
45	31AUG79	31AUG81	25532	BURAK, KENNETH	53A054A	25.0	999.0
46	01SEP79	15AUG80	26112	LUBESKY, ROGER JAMES	53A054A	18.0	999.0
47	09SEP79	17FEB82	56813	GASTON, ANDRE JEROME	53A054A	25.0	999.0
48	21SEP79	20APR82	102373	SAVENELLI, JOSEPH PETER	53A054A	25.0	999.0
49	04OCT79	17NOV80	91982	CANTY, DAVID	53A054A	10.0	999.0

999 = LIFE

CONNECTICUT DEPARTMENT OF CORRECTION- RESEARCH  
 INCARCERATED INMATES W/ A CONVICTION ON  
 CGS: 53A-54a  
 & AN OFFENSE DATE: JANUARY 1, 1975 - JUNE 30, 1981  
 REPORT: AUGUST 22, 2002

Obs	OFFENSE DATE	SENTENCE DATE	NUMBER	NAME	OFFENSE	MIN	MAX
50	20OCT79	10APR81	93340	AMBROSE, VICTOR ANTHONY	53A054A	10.0	999.0
51	27OCT79	20FEB81	93475	BOHERS, GLENN	53A054A	17.0	999.0
52	10NOV79	05DEC80	93742	STEVENSON, DONALD LEE	53A054A	15.0	999.0
53	30NOV79	30NOV79	43885	FRANKLIN, DOUGLAS PAUL	53A054A	15.0	999.0
54	21DEC79	21DEC79	88337	TEEL, RICKY	53A054A	15.0	999.0
55	01JAN80	07JAN82	94450	OCASIO, VICTOR	53A054A	18.0	999.0
56	07FEB80	19MAR81	67750	BURNS, MICHAEL JAMES	53A054A	25.0	999.0
57	08FEB80	08FEB80	88909	WILLIAMS, BRUCE DEAN	53A054A	20.0	999.0
58	02MAR80	15DEC78	84200	TORRES, EDGAR	53A054A	10.0	999.0
59	02MAY80	02MAY80	63820	BROOKS, DONALD	53A054A	14.0	999.0
60	03MAY80	24JUN82	96871	BANKS, FRANK	53A054A	25.0	999.0
61	13MAY80	10APR81	82249	ZIEL, MARTIN FRANK	53A054A	25.0	999.0
62	21MAY80	10JUL81	66559	VELEZ, JULIO CASTRO	53A054A	10.0	999.0
63	21JUN80	27JUN83	103048	WILLIS, BENNY	53A054A	16.5	999.0
64	30JUL80	12JUN81	100324	COLLINS, LARRY	53A054A	12.5	999.0
65	17OCT80	22APR83	101825	OPPEL, KENT HERBERT	53A054A	17.5	999.0
66	17NOV80	17NOV80	91986	BOYD, DAVID	53A054A	17.0	999.0
67	01DEC80	01DEC80	23224	DEFORGE, DONALD FRANCIS	53A054A	25.0	999.0
68	11DEC80	15AUG86	104689	MCVEIGH, JAMES F	53A054A	15.0	999.0
69	23DEC80	28OCT82	103076	DELEON, CECILIO	53A054A	25.0	999.0
70	29DEC80	07MAY82	58046	FAIR, TIMOTHY CLARENCE	53A054A	20.0	999.0
71	10JAN81	30JAN84	61720	SILVA, JOSEPH HENRY	53A054A	25.0	999.0
72	10FEB81	10FEB83	24519	FLOWERS, WILLIAM FREDERICK	53A054A	25.0	999.0
73	16FEB81	02APR82	103702	LAMIHAUTE, MARC PAUL	53A054A	15.0	999.0
74	06MAR81	23JUL82	80805	ODUM, DAVID DREW	53A054A	18.0	999.0
75	10APR81	19MAY82	104759	POLLOCK, WILLIAM	53A054A	18.0	999.0
76	15MAY81	14SEP87	32258	ROBINSON, HENRY GLENN	53A054A	25.0	999.0
77	15MAY81	12MAR87	69805	HERRING, PERRY	53A054A	25.0	999.0
78	01JUN81	08JAN82	89728	MORALES, ELIAS	53A054A	18.0	999.0

999 = LIFE

CONNECTICUT DEPARTMENT OF CORRECTION- RESEARCH  
 INCARCERATED INMATES W/ A CONVICTION ON  
 CGS: 53A-54  
 & AN OFFENSE DATE: JANUARY 1, 1975 - JUNE 30, 1981  
 REPORT: AUGUST 22, 2002

Obs	OFFENSE DATE	SENTENCE DATE	NUMBER	NAME	OFFENSE	MIN	MAX
1	18NOV75	25FEB77	68480	EVANS, FREDDIE RANDOLPH	53A054	10.0	999.0
2	13JUN76	13MAY77	13569	FERNANDEZ, HERBERTO GEORGE	53A054	10.0	999.0
3	03JUN77	03JUN77	75831	GRADY, ARNOLD	53A054	12.0	999.0
4	01JAN78	29NOV78	82092	COFFEY, WILLIAM RAY JR	53A054	16.0	999.0
5	10FEB78	10FEB78	77883	ROBINSON, JAMES ALFRED	53A054	15.0	999.0
6	24JUN79	31OCT80	92439	FALCON, JOHN	53A054	25.0	999.0
7	14FEB80	11DEC81	56278	SHIFFLETT, MARTIN WAYNE	53A054	18.0	999.0
8	14MAR80	14MAR80	89047	DAVIS, CURTIS	53A054	20.0	999.0
9	13JUN80	05MAR82	100429	FREEMAN, WILLIAM HENRY JR	53A054	13.5	999.0
10	20OCT80	04MAR83	104021	DIBARTOLOMEO, PAUL J	53A054	20.0	999.0
11	09NOV80	23JUN81	101687	DAVIS, NATHAN	53A054	25.0	999.0
12	11DEC80	23JUL82	104045	LEECAN, CHRISTOPHER	53A054	13.0	999.0
13	22DEC80	17JUN82	103361	SPEYER, THERESA	53A054	13.0	999.0
14	22JUN81	22JUN81	95945	LOVELACE, CLIFFORD	53A054	18.0	999.0

999 = LIFE

**APPENDIX B**

**- Department of Correction Administrative Directives**

A.D. 4.2, Sentence Computation and Time Keeping  
Prepared for signature 2/9/01 - effective 3/9/01

1. Policy. Sentences shall be computed according to the provisions of the Connecticut General Statutes and the instructions of the sentencing court. A current and accurate record of the computation of each existing Connecticut sentence shall be maintained.
2. Authority and Reference.
  - A. Connecticut General Statutes, Sections 7-135, 18-7, 18-7a, 18-13, 18-18, 18-50, 18-63, 18-81, 18-92, 18-96 through 18-98, 18-98a, 18-98b, 18-98c, 18-98d, 18-100d, 18-102, 18-106, 19a-127h(e), 21a-277(d), 21a-279(e), 53-10a, 53a-28, 53a-32, 53a-35, 53a-35a, 53a-35b, 53a-35c, 53a-36, 53a-37, 53a-38, 53a-46a(f), 54-56d, 54-92a, 54-95, 54-96b, 54-97, 54-125, 54-127, 54-128, 54-129, 54-131a and 54-186.
  - B. American Correctional Association, Standards for Adult Correctional Institutions, January 1990, Standard 3-4094.
  - C. American Correctional Association, Standards for Adult Local Detention Facilities, March 1991, Standard 3-ALDF-1E-03.
3. Definitions. For the purposes stated herein, the following definitions apply:
  - A. Aggregate Term. The term of imprisonment created by the combination of a consecutive sentence with an existing sentence.
  - B. Bail. The security given for the due appearance in court of an accused person in order to obtain a release from confinement.
  - C. Bond. A guarantee in fulfillment of bail, usually an amount of money, for the appearance of an accused in court.
  - D. Commissioner. The Commissioner of Correction.
  - E. Concurrent Sentence. A sentence which runs simultaneously with an existing sentence.
  - F. Consecutive Sentence. A sentence which succeeds an existing sentence.
  - G. Continuous Term. A period throughout which at least one Connecticut sentence of imprisonment is in effect.
  - H. Controlling Sentence. Among existing sentences, the sentence having the longest term remaining to be served.
  - I. Credit. A unit of time that shortens the remaining term of imprisonment.
  - J. Current Discharge Date. The discharge date produced by posting all existing credits and debits.
  - K. Day. A calendar day, or any portion thereof.
  - L. Dead Time. A period of time that an existing sentence is not being served.
  - M. Debit. A unit of time that lengthens the remaining term of imprisonment.
  - N. Definite Sentence. A sentence having a fixed term.
  - O. Discharge Date. The date that a term of imprisonment expires.
  - P. Estimated Release Date (ERD). An estimated discharge date, applicable to sentences imposed for offenses committed on or after July 1, 1983, but prior to October 1, 1994, produced by computing Presentence Credit, Presentence Good Time, all actual credits and debits, and all Statutory Good Time that could be earned as the

8/21/02

- term is served.
- Q. Fine. A legal disposition for a sum of money that is required to be paid or time to be served.
- R. Good Time. A time credit, for good behavior or good performance.
1. Statutory Good Time (SGT). Time credit granted for compliance with the rules and regulations established by the Commissioner for the service of the sentence.
    - a. Enhanced Statutory Good Time (ESGT). The rate of Good Time that an inmate may earn in the sixth and subsequent years of a sentence.
  2. Presentence Good Time (PSGT). Time credit based on Presentence Credit granted for compliance with the rules and regulations established by the Commissioner for presentence confinement (for the purposes of any Administrative Directive Presentence Good Time may be referred to as Jail Credit Good Time).
  3. Meritorious Good Time (MGT). Meritorious Time service award granted for exemplary conduct and meritorious achievement in service of a sentence imposed prior to October 1, 1976.
  4. Outstandingly Meritorious Performance Award (OMPA). Time credit awarded for outstanding performance or personal achievement by a sentenced inmate.
  5. Forfeiture (FGT). A loss of Good Time.
  6. Restoration. A return of Forfeited Good Time for exemplary conduct.
- S. Indefinite Sentence. A sentence in which an inmate may be released at any time during the sentence at the discretion of the Board of Parole.
- T. Indeterminate Sentence.
1. A sentence having a minimum and maximum term, in which an inmate may be released at the discretion of the Board of Parole upon serving the minimum term; or
  2. A sentence under specific statutes in which an inmate may be released at any time during service of the sentence at the discretion of the Commissioner.
- U. Mandatory Sentence.
1. A sentence required by statute; or
  2. The part of a sentence that is required by statute.
- V. Merged Term. The term of imprisonment produced by the merger of concurrent sentences.
- W. Mittimus. A legal document which commits an individual to the custody of a State Commissioner pending disposition of charges (continuance mittimus); or under sentence (judgment mittimus).
- X. Month. A calendar month or the day-for-day equivalent.
- Y. Parole Eligibility Date (PED). The date an inmate becomes eligible for release to parole supervision.
- Z. Posting Date. The date an entry is made on a time sheet.

- AA. Presentence Credit (PSC). A period of presentence confinement that is creditable as service of a sentence. (For purposes of any Administrative Directive, Presentence Credit may also be referred to as Jail Credit.)
  - BB. Sentence. A penalty imposed by a court.
  - CC. Seven Day Job Credit (7 DAY). A time credit of one (1) day for each seven consecutive days employment of a sentenced inmate at a job designated as a seven (7) day assignment.
  - DD. Term of Imprisonment. The period a sentence(s) of imprisonment is in effect, produced by applying applicable credits and debits to the sentence(s).
  - EE. Time Served. A day for day service of the sentence.
  - FF. Time Sheet. A record of the computation of an inmate's sentence.
  - GG. Total Effective Sentence (TES). A sentence resulting from a single sentence or from the combination of two (2) or more sentences imposed at the same time before the same court.
  - HH. Year. A calendar year or the day-for-day equivalent.
4. Administrative Structure and Provisions. The Director of Offender Classification and Population Management, under the authority of the Deputy Commissioner of Programs, shall be responsible for the Department of Correction's time computation. The Director of Offender Classification and Population Management shall develop a Records Manual containing detailed procedures and information concerning time computation which shall be revised annually and updated as necessary. A copy of the Records Manual shall be maintained at each unit. The Unit Administrator shall be responsible for administering the procedures under this Directive. The Director of Offender Classification and Population Management shall ensure that an annual audit is conducted at each unit records office to determine compliance with this Directive.
5. General Sentence Computation Provisions.
- A. A sentence commences when an inmate is received into the custody to which the inmate is sentenced.
  - B. Sentences shall be computed in accordance with the Connecticut General Statutes, the instructions of the judgment mittimus, and this Directive.
  - C. The time sheet shall show all credits and debits, a discharge date and any information that affects the computation of the sentence.
  - D. Consecutive definite sentences shall be aggregated into a single term. The sentences shall be satisfied by the expiration of the aggregate term.
  - E. Concurrent definite sentences shall be merged into a single term. The sentences shall be satisfied by the expiration of the merged term.
  - F. Consecutive and concurrent sentences during a term of imprisonment are considered one continuous term for purposes of calculating good time.
  - G. In the case of an indeterminate sentence, the minimum and the maximum terms shall be treated as separate for the purpose of computation.
  - H. In order for presentence confinement to count as Presentence Credit, the court record must show that the qualifying provisions



of the governing statute(s) have been satisfied. The specific provisions for each type of sentence are stated in Section 6 of this Directive.

- I. If a conviction or a sentence is vacated, the term of imprisonment under the vacated sentence shall be given credit for the service of the sentence in regard to any subsequent sentence for the same act(s). In the event that the sentence is re-imposed, credit will be issued for the service of the original sentence.
- J. The period of time that an inmate is in escape status, has absconded, has been released on appeal bond or has been released inadvertently, shall be dead time and shall not count toward the service of any sentence.
- K. The suspended portion of a sentence that is later executed is part of the original sentence.

6. Summary of Authorized Sentences, Credits, and Debits.

A. Sentences for an offense committed on or after October 1, 1994.

- 1. Sentences authorized by statute:
  - a. Definite
  - b. Indeterminate - (Section 3(T); Definition #2)
- 2. Presentence Credit is authorized on a sentence for each day of confinement in a Connecticut correctional facility, under a mittimus or because of inability to obtain bail or denial of bail, for the offense which results in the sentence, provided that each day shall count only once for the purpose of reducing all sentences imposed and that the sole reason for confinement is the existence of a mittimus, an inability to obtain bail, or the denial of bail.
- 3. Presentence Good Time is not authorized.
- 4. Statutory Good Time is not authorized.
- 5. Seven Day Job Credit is not authorized.
- 6. Outstandingly Meritorious Performance Award is not authorized.
- 7. Forfeiture of statutory good time is not authorized.
- 8. Restoration of statutory good time is not authorized.

B. Sentences for an offense committed on or after July 1, 1983, but prior to October 1, 1994.

- 1. Sentences authorized by statute:
  - a. Definite
  - b. Indeterminate (Section 3(T); Definition #2)
- 2. Presentence Credit is authorized on a sentence for each day of confinement in a Connecticut correctional facility, under a mittimus or because of inability to obtain bail or denial of bail, for the offense which results in the sentence, provided that each day shall count only once for the purpose of reducing all sentences imposed and that the sole reason for confinement is the existence of a mittimus, an inability to obtain bail, or the denial of bail.

3. Presentence Good Time is authorized, pro rata, at the rate of 10 days for every 30 days of Presentence Credit, less any time withheld as a result of disciplinary action.
4. Statutory Good Time, when authorized, is awarded as the sentence is served, pro rata, at the rate of 10 days per month for the first five (5) years. Enhanced Statutory Good Time, when authorized, is awarded as the sentence is served, pro rata, at the rate of 12 days per month for the sixth and subsequent years. Presentence Credit, Presentence Good Time, Statutory Good Time and time served shall count toward satisfying the first five (5) years in order to determine when Enhanced Statutory Good Time commences.
5. Seven Day Job Credit is authorized.
6. Outstandingly Meritorious Performance Award is authorized.
7. Forfeiture of Statutory Good Time is authorized.
8. Restoration of Statutory Good Time is authorized.

C. Sentences for an offense committed on or after July 1, 1981, and prior to July 1, 1983.

1. Sentences authorized by statute:
  - a. Definite
  - b. Indeterminate (Section 3(T); Definition #2)
2. 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 12 days per month for the sixth and subsequent years, based on the sentence imposed by the court.
3. Presentence Credit is authorized on a sentence for each day of confinement in a Connecticut correctional facility, under a mittimus or because of inability to obtain bail or denial of bail, for the offense which results in the sentence, provided that each day shall count only once for the purpose of reducing all sentences imposed and that the sole reason for confinement is the existence of a mittimus, an inability to obtain bail, or the denial of bail.
4. Presentence Good Time is authorized, pro rata, at the rate of 10 days for every 30 days of Presentence Credit, less any time withheld as a result of disciplinary action.
5. Seven Day Job Credit is authorized.
6. Outstandingly Meritorious Performance Award is authorized.
7. Forfeiture of Statutory Good Time is authorized.
8. Restoration of Statutory Good Time is authorized.

D. Sentences imposed on or after October 1, 1976, excluding sentences for any offense committed on or after July 1, 1981.

1. Sentences authorized by statute:
  - a. Indeterminate - (Section 3(T); Definition #1)
  - b. Indeterminate - (Section 3(T); Definition #2)
  - c. Definite - one (1) year or less
  - d. Indefinite - up to five (5) years for persons

16-21 years old.

2. 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.
3. Presentence Credit is authorized on a sentence for each day of confinement in a Connecticut correctional facility, under a mittimus or because of inability to obtain bail or denial of bail, for the offense which results in the sentence. Each sentence to which the credit applies shall be reduced by one (1) day.
4. Presentence Good Time is authorized, pro rata, at the rate of 10 days per month of Presentence Credit, for confinement which occurs on or after October 1, 1976, and at the rate of five (5) days per month of Presentence Credit for confinement which occurs on or after October 1, 1975, and prior to October 1, 1976, for an offense committed prior to July 1, 1981, less any time withheld as a result of disciplinary action. No Presentence Good Time is authorized for periods of presentence confinement which occurred prior to October 1, 1975.
5. Seven Day Job Credit is authorized.
6. Outstandingly Meritorious Performance Award is authorized, except for Indefinite sentences.
7. Forfeiture of Statutory Good Time is authorized.
8. Restoration of Statutory Good Time is authorized.

E. Sentences imposed prior to October 1, 1976.

1. Sentences authorized by statute:
  - a. Indeterminate - (Section 3(T); Definition #1)
  - b. Indeterminate - (Section 3(T); Definition #2)
  - c. Definite - one (1) year or less
  - d. Indefinite - up to five (5) years for persons 16-21 years old.
2. Statutory Good Time is authorized to be awarded in advance, pro rata, at the rate of 60 days per year for the first five (5) years and Enhanced Statutory Good Time at 90 days per year for the sixth and subsequent years, based on the sentence imposed by the court.
3. Presentence Credit is authorized on a sentence for each day of confinement in a Connecticut correctional facility, under a mittimus or because of inability to obtain bail or denial of bail, for the offense which results in the sentence. Each sentence to which the credit applies shall be reduced by one (1) day.
4. Presentence Good Time is authorized, pro rata, at the rate of five (5) days per month of Presentence Credit, for confinement which occurs on or after October 1, 1975, less any time withheld as a result of disciplinary action. No Presentence Good Time is authorized for periods of presentence confinement which occurred prior to October 1,

1975.

5. Meritorious Good Time is authorized to be awarded in advance, pro rata, at the rate of five (5) days per month of the sentence remaining to be served after deductions for Statutory Good Time, Presentence Credit, and applicable Presentence Good Time.
6. Seven Day Job Credit is authorized.
7. Outstandingly Meritorious Performance Award is authorized, except for Indefinite sentences.
8. Forfeiture of Meritorious Good Time is authorized.
9. Restoration of Meritorious Good Time is authorized.

F. Fines.

1. Each person committed to the custody of the Commissioner upon conviction of any criminal offense, and held only for the payment of a fine, shall be discharged when the time served by such person at the rate of ten dollars (\$10) a day, amounts to such fine or the balance thereof remaining unpaid; but such a person, unless in Community Placement status, shall earn an additional credit of ten dollars (\$10) toward such fine or balance of fine for each day the person is employed at productive or maintenance work and has established a satisfactory work record. In computing the number of days to be served, credit shall be given for Sundays, holidays, and the day of admission.
2. Presentence Credit shall be applied to the fine at the rate of ten dollars (\$10) per day. The inmate shall not be entitled to any additional credit for productive work.
3. Presentence Good Time.
  - a. For sentences for offenses committed on or after July 1, 1981, Presentence Good Time shall be applied, pro rata, at the rate of one hundred dollars (\$100) for each 30 days of presentence confinement.
  - b. For sentences for offenses committed prior to July 1, 1981, Presentence Good Time shall be applied, pro rata, at the rate of one hundred dollars (\$100) for each month of presentence confinement.

7. Exceptions. Any exception to the procedures in the Administrative Directive shall require prior written approval from the Commissioner.

**APPENDIX C**

**- Institutional Adjustment**



**STATE OF CONNECTICUT**  
**DEPARTMENT OF CORRECTION**  
**GARNER CORRECTIONAL INSTITUTION**  
50 NUNNAWAUK ROAD  
P.O. BOX 5500  
NEWTOWN, CT 06470-5500

Clinton J. Roberts  
Alternative Sentencing Consultants, Inc  
44 Capitol Avenue, Suite 402  
Hartford, CT 06106

RE: Michael Skakel #301382

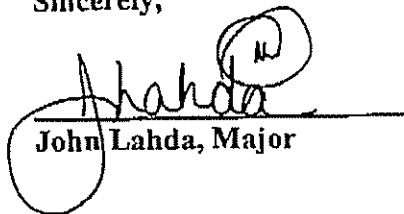
Dear Mr. Roberts:

After reviewing the institutional record of the above captioned offender regarding your recent request for program participation attendance, I offer the following information; Mr. Skakel has regularly attended both AA Meetings and Religious Services.

Additionally, his institutional adjustment can be deemed positive as he has remained free of any disciplinary reports since his transfer to Garner Correctional Institution.

If you have any questions or require further assistance, please do not hesitate to contact my office.

Sincerely,

A handwritten signature in cursive script, appearing to read "John Lahda", with a circled initial "JL" above it. The signature is written over a horizontal line.

John Lahda, Major

JL/sc

Phone: 270-2800

## **EXHIBIT K**

Hartford Courant article dated August 2, 2002

# Too Young To Enter State's Adult Judicial System?

There is a growing movement for state courts to treat 16- and 17-year-olds as juveniles, not adults as mandated by a 1995 law.

By GREGORY SEAY  
COURANT STAFF WRITER

Several lawmakers and child advocates say the time has come to resume treating 16- and 17-year-olds as juveniles in the eyes of Connecticut courts.

State Rep. Michael P. Lawlor, D-East Haven, co-chairman of the judiciary committee, said Thursday he is open to proposing legislation during the next session to raise the age when a teen enters the adult judicial system from 16 to 17.

"I think the time has come to talk about it," Lawlor said.  
Other lawmakers said they would support such legislation, but some said they believe the age should be raised to 18, where it was before 1995.  
They argue that raising the age would enable parents, law enforcement and so-

cial service agencies to more effectively deal with youths who have behavior issues but aren't criminals.

"We act like somebody in today's society who is 16 is an adult. Give me a break," said state Sen. Tom Harp, D-New Haven, co-chairwoman of the committee with Lawlor.

"The reality is these young people are children," said Harp, who also is chairman of the state's select committee on children.

The cry for change has intensified in the wake of documented difficulties of parents, state child-welfare agencies,

and the courts to cope with troubled youths.

It has grown especially acute since the Estuary overdose of an East Hampton teen in May. The mother of 16-year-old Makayla Korpien is among those calling for the state to reform laws regarding juveniles to avert a repeat of the tragedy.

The state's child advocate is probing whether law enforcement and other public agencies reached out far enough to support Makayla and her family.

"What this tragedy has taught us," said state Child Advocate Jeanne Milstein, "is we need to rethink the way that we serve adolescents and their families in the state."

Milstein and other lawmakers say the entire juvenile justice system needs an overhaul.

Assistant House Minority Leader Ann Dandrow, R-Southington, has had an ongoing issue with the state's current system of incarcerating young offenders who commit serious crimes with adults.

"I feel this whole system is not serving Connecticut youth," said Dandrow, who also serves on the judiciary and children's committees.

In 1995, in response to the public's mounting concerns about youths under 18 committing horrific crimes, the state lowered the age at which juveniles can be sent to adult court.

State Sen. John A. Kissel, R-Enfield, was a co-sponsor of the 1995 law. He was uncertain Thursday about whether restoring the age to 18 was a good idea.

"I would say, 'Why?'" said the ranking Republican on the judiciary committee.

Kissel said he wants to hear first from juvenile court judges and officers about whether such a proposal makes sense to them.

Youths younger than 16 who commit

crimes go to juvenile court, which, aside from punishment, can order them into education, drug and mental health treatment programs.

Lowering the age threshold, lawmakers and child advocates say, exposed youths in the "gray area" age group of 16 and 17 to a glaring lack of programs and services to administer youths who, like Makayla, run away from home or suffer emotional or drug problems.

State Rep. Gail K. Hamm, D-East Hampton, said she favors raising the juvenile age to 18. A lawyer who works closely on child issues, Hamm said the chorus of support for an overhaul grows louder with each revelation of the system's shortcomings.

"Many of us are starting to talk about that this is the time," she said.

Hamm and other legislators said they expect juvenile justice overhaul to be a key issue when the legislature convenes in January.

Gov. John G. Rowland, through spokesman Chris Cooper, acknowledged Thursday the existence of the "gray area" for adolescents and the importance of discussions about remedies.

Cooper said the governor generally does not respond to legislative proposals until he has had a chance to review them. He said other proposals to overhaul the juvenile justice system have been floated previously.

"Rowland would be interested in seeing that [age-limit] proposal when it's explored in the legislature," Cooper said.

Bill Curry, the Democratic challenger for governor, said he doesn't need to wait to see legislation that acknowledges the 1995 law "was written too broadly."

"We know that now," Curry said. "We know it's time to reconnect these late juvenile offenders to their families and to their social-service networks."