

Michael Skakel Arrest Warrant Affidavit

The undersigned, being duly sworn, deposes and says:

1. The affiant, Inspector Frank C. Garr, is a member of the Division of Criminal Justice, State of Connecticut, assigned to the State's Attorney's Office for the Judicial District of Fairfield, Part A. The affiant was previously a member of the Greenwich Police Department for a period of 27 years, last holding the rank of Sergeant. The affiant has been involved in numerous, varied investigations, including those involving the crime of murder.

The affiant states that according to reports of the Greenwich Police Department, Case Number D20262, Mrs. Dorothy Moxley, of Walsh Lane, Greenwich, Connecticut, reported her 15-year-old daughter, Martha Elizabeth Moxley, missing at approximately 3:48 a.m. on the morning of October 31, 1975. A search for the missing youth was immediately instituted by the Greenwich Police.

3. The body of Martha Elizabeth Moxley was subsequently located on the Moxley property, lying under a large pine tree, approximately 161 feet, 3 inches southwest of the Moxley house, at approximately 12:30 p.m. on the afternoon of October 31, 1975. The victim's body was found lying face down with her left hand under her face. Her right arm was extended parallel to the body, and her blue jeans and bikini underpants were pulled down. The victim's body had been dragged in a southerly direction from the west side of the Moxley driveway, approximately 86 feet on the grass. Found approximately 78 feet from the victim's body was a blood-stained, broken section of a tubular stainless-steel golf club shaft, measuring approximately 1 foot long. Approximately 40 feet from the west side of the Moxley driveway were two patches of blood approximately 18 inches in circumference. Also found approximately 58 feet from the east side of the Moxley driveway, toward the center of the front lawn, was a second blood-stained broken section of a tubular stainless-steel golf club shaft, approximately 8 inches long. Located approximately 8 feet east of this second piece of tubular stainless-steel golf club shaft was the head of a Toney Penna number six iron golf club, which was also blood-stained. Found approximately 3 feet west of the Toney Penna golf club head was another patch of blood, approximately 1 foot in circumference.

4. On November 1, 1975, Elliot M. Gross, M.D. and Chief Medical Examiner for the State of Connecticut performed an autopsy on the body of the deceased. Dr. Gross reported that Martha Moxley suffered multiple lacerations of the scalp with fractures of the skull and contusions and lacerations of the brain, causing her death. Dr. Gross established the time of death between 9:30 p.m. October 30, 1975, and 5:00 a.m. October 31, 1975. Dr. Gross further established the weapon used to inflict the injuries, and the cause of the death of Martha Moxley was a golf club, and classified the death as being a homicide. Dr. Gross reported that after performing the autopsy and examining the wounds on the head of the deceased, he determined that the Toney Penna number six iron golf club found at the crime scene was used to cause the wounds, and the death of the deceased. In addition to a nonfatal blow from the head or shaft of the golf club, Dr. Gross reported that the victim sustained 5 to 10 blows to the head with the golf club head or shaft. He reported that the victim had been struck from all sides of her head. According to Dr. Gross, the

victim was also stabbed at least four times with the broken end of the shaft. One of these stab wounds results in scalp hair from the deceased's head being driven through a patterned injury on the right side of her neck, causing the hair to emerge from a similar laceration on the left side of her neck. Also in his autopsy report, Dr. Gross reported that the blue jeans worn by the victim had five metal button-type fasteners at the front fly, and that the top four were unbuttoned. He reported that the back waistband of the blue jeans was turned down on the outside.

5. During an interview with Greenwich Detectives, Dorothy Moxley reported that Martha had left the house with friends at approximately 3:30 or 4:00 p.m. on the afternoon of October 30, 1975, and expected to return home at 10:30 p.m. that evening.

6. After roaming their Belle Haven neighborhood, Martha and two friends arrived at the home of Rushton Skakel, 71 Otter Rock Drive, sometime shortly after 9:00 p.m. The rear property of the Skakel estate runs parallel with Walsh Lane, directly across from the Moxley estate.

7. According to Greenwich Police reports, Detectives Theodore Brosko and James Lunney conducted an interview with Michael Skakel, the 15-year-old son of Rushton Skakel, on October 31, 1975. Michael reported that at approximately 9:10 p.m. on the evening of October 30, 1975, he had been in his family room when he observed Martha and her two friends walking from the rear yard to his family room door. He claims he directed them to another door located at the rear of the house off the main hallway, where he allowed them entry. Michael, Martha and her two friends then walked through the kitchen, out the side door onto the driveway, and entered a Skakel family car that had been parked in the driveway. Michael reports that he and Martha sat in the front seat, and that Martha's friends sat in the back seat. While in the vehicle the youths talked and listened to music. Michael reported that he, Martha and her two friends were sitting in the car talking when his older brother, 17-year-old Thomas Skakel exited the house and joined the group in the car.

8. During an interview with Detectives Brosko and Lunney, Thomas Skakel acknowledged having joined the group in the car, and further stated that at approximately 9:25 p.m. his brothers Rushton Jr., and John, 19 and 16 years of age, respectively, along with their cousin, 17-year-old James Terrien exited the house and announced they were using this car to drive their cousin to his home in North Greenwich. According to Thomas, he, Martha and her two friends exited the vehicle, which left the driveway occupied by his brothers and their cousin.

9. On the evening of October 31, 1975 Detectives Brosko and Lunney, while in the home of Rushton Skakel, observed a Toney Penna number four iron golf club in a storage bin in a room located on the north side of the house, first floor. The club, a TP stainless-steel shaft, with Lyte Wate Instant Action 34-inch shaft with a black grip, blue design, was engraved on the upper shaft, Mrs. R.W. Skakel Greenwich CC Greenwich, Conn. Through scientific examinations and comparisons conducted in 1976, by James E. McDonald, New Haven Police Crime Laboratory, it was established that the aforesaid number four iron golf club found in the Skakel residence and the Toney Penna number six iron golf club collected at the crime scene were both part of the same set of golf clubs.

10. On November 15, 1975, Michael Skakel was again interviewed by Detectives Brosko and Lunney, and reported that upon returning home from dinner at the Belle Haven Club with other members of his family, they sat around their enclosed porch for a period of time before he observed Martha and her two friends at a rear door. He claims that he escorted the group through the house and out to a family vehicle, which had been parked in their driveway. Michael claimed that when his brothers announced they were taking this car to transport their cousin home, he remained in the car, and took the trip to North Greenwich. He claims that when he, his brothers and his cousin departed, his brother Thomas and Martha were alone in the driveway. Michael continued to report that he and his brothers returned to their home at approximately 10:30 p.m. He claims he entered his house through the side door, may have made himself a snack, then went upstairs to bed between 10:30 and 11:00 p.m. Michael claimed he did not get up during the night, and did not leave the house after going to bed. However, by his own admission, Michael claimed to have a history of leaving his house at night, after having gone to bed.

11. While being interviewed by Detectives Brosko and Lunney, 17-year-old James Terrien reported that everyone had a few drinks at the Belle Haven Club and were feeling "nice" when they left. He reported that his cousins John, Rushton and Michael drove him home at approximately 9:30 p.m. and that they all drank at his house before leaving for home shortly before 11:00 p.m.

12. In September of 1980 Greenwich Detectives Haug and Hughes were in receipt of information from a former resident of a facility known as Elan, located in Poland Springs, Maine. This individual reported that while confined to Elan with Michael Skakel, she had engaged in several conversations with him. She reported that during one of their conversations, Michael brought up the subject of Martha Moxley's murder. Michael informed this individual that the police were investigating him in regards to Martha's murder, and that at the time of the murder he had been drunk, and might have committed the murder during a blackout. She reported that also during a therapy session, the question, "Why did you crush Moxley's chest with the golf club?" was directed to Michael. During this particular therapy Michael was not to respond to the question, and did not.

13. The affiant contacted a former employee of the Skakels, who began working for them in 1976. He reports that on one particular morning, just prior to leaving the Skakel employee, he had been at the Skakel residence and was present while Michael and his father were involved in some sort of a dispute. During this dispute, Michael was yelling to Rushton Skakel, Sr. that he was not his father, and ordered this employee to take him to New York. After being directed by Mr. Skakel to do as Michael ordered, the employee entered a vehicle already occupied by Michael. He asked Michael, who was displaying a knife, why he was so upset, at which time Michael stated "Shut up and drive, or I'll stab you." This individual reported that while driving on a city street, approaching a traffic light, and still moving, Michael opened the vehicle door, told him that he respected him, and that he was the only person he could talk to. Michael then stated to him, that he had done something very bad, and that he needed to get out of the country, and that he had to kill himself. Michael then jumped out of the vehicle. This individual then rendezvoused with Mr. Skakel, who had arrived at his New York office. Mr. Skakel directed him to go to Michael's psychologist's office with hopes that he find Michael there. He reported that he

left Mr. Skakel's office and was walking into the parking lot when he observed Michael walking down the street. He caught up to Michael and eventually drove him to his doctor's office. After waiting approximately one hour, someone exited the office and informed him that Michael had run away, and that they were attempting to catch him. He reported that he continued to wait until they returned with Michael, at which time he put him in the car, and began driving home. As they were traveling over the Triborough Bridge, Michael jumped out of the car and began to climb the bridge. He reported that he ran to Michael, picked him up and put him back in the car. Michael then exited the vehicle from the opposite side and again attempted to climb the bridge, stating that he was going to jump off. He reported that he again retrieved him and finally returned to the Skakel residence.

14. A former resident of Elan, designated Number 16, reported that he had been present on a number of occasions while at the facility, when Michael broke down in tears claiming that he did not know whether or not he committed the murder. This former resident reported that he had been present at group sessions where the murder would be discussed, and Michael would seem almost catatonic, shaking his head while crying, "I don't know if I did or didn't. I don't know." This individual reported that a friend of his, who is also a former resident of Elan, and was a friend of Michael's while at Elan, informed him that Michael had confessed to the murder to him. Elan designee Number 16 reported that sometime between April and June 1996, he had been engaged in a telephone conversation with his friend, who confided in him that he had been harboring information about a murderer, and that it was bothering him for a long time. Elan designee Number 16 reported that his friend informed him that on one particular evening while at Elan, he had been talking with Michael Skakel, at which time Michael confessed to the murder. Elan designee Number 16 reported that his friend told him that he was angry with Michael for telling him, and rhetorically asked, "Why did he have to tell me?"

15. A former resident of Elan, designated Number 17, reported that in late 1976 to late 1978 he had been a resident of Elan, and while there made the acquaintance of Michael Skakel. He reported that he had engaged in one conversation concerning the murder of a young woman, with Michael. He reported that at Elan there were positions of authority where you would be a guard for 24 hours outside the dorms. He reported that he and Michael happened to be guards on this evening, and they began having a conversation. He reopened that the conversation progressed into conversation pertaining to this murder. He reported that they talked about things that Michael remembered about it, such as being in his garage, having golf clubs, going through a golf bag, getting a golf club. He reported that they talked about Michael not remembering it, him not knowing if he ever did this, him not remembering where he was, and him running through the woods with a golf club, seeing pine trees, looking up seeing pine trees, and then blacking out or waking up the next day in his house. He reported that Michael made reference to the fact that he had no idea if he ever did it in the beginning, and through the conversation, which was extremely emotional, he said that maybe he did, and that he must have done it, and that, yes, he indeed did it. He reported that this conversation probably lasted three or four hours, and that Michael was extremely emotional crying, and sobbing. He reported that Michael informed him that they were partying and there was a bunch of people. He reported that Michael informed him that he remembers walking and looking up at pine trees at one point. He reported that Michael informed him that he did not remember what he did with the golf club, that the last thing he remembers

was that he was running through the woods, and he was looking at pine trees. He reported that his best recollection of Michael's words were that he did it. "I did it. I must have done it. I must have done it. I had to do it. I did it. "

16. The affiant spoke with the former resident of Elan, designated Number 23, who had previously provided information to Greenwich Detectives Haug and Hughes, who reported that she resided at Elan for approximately 11 months. She reported that during this time she and Michael Skakel would talk to each other. She reported that on one particular evening while attending a dance at the facility, she asked Michael why he was at Elan. She reported that Michael informed her that on the night Martha Moxley was murdered he had been in a blackout and could not remember anything he did that night. She reported that Michael informed her that he woke up the next morning not being able to remember anything he had done the night before. Michael informed her that his parents were afraid that he had had something to do with the murder and placed him in Elan to keep the police from arresting him. Additionally, she reported that during a group session attended by Michael, one of the group members running the group asked, "What's it like to be someone that beats someone to death with a golf club?" She reported Michael just sat there, without responding.

17. A former resident of Elan, designated Number 31, reported that he resided at Elan from October 1978 to October 1980, during which time he met Michael Skakel in passing many times. He reported that he got to know Michael after Michael was returned from running away. He reported that he was assigned to watch him. He reported that the first time he had to deal with Michael, he had been assigned to oversee him, and they were talking. He reported that it had been approximately 2:00 a.m. and that they had been in the mess hall. He reported that he and Michael began talking about why they were at Elan, and that Michael made it known that he was related to the Kennedy family. He reported that Michael informed him that he was up there so as to stay away from Connecticut because they were investigating his brother for the murder of this girl. Michael informed him that his family had him sent there more as a protection-type thing. Michael said that he had murdered this girl with a golf club. That he had beat her so hard that the club had broken. He reported that Michael informed him that he was related to Ethel Kennedy, and that he could get away with murder. He reported that Michael informed him that the whole thing happened because he wanted to have sex with this girl, but he did not. He reported that he recalls Michael saying, up to two days after the murder, he had gone back there and masturbated on her. Michael informed him that the girl was 15-years-old, he had tried to make advances towards her, she did not submit to the advances, and that he caved her head in with a golf club. He recalls Michael informing him that it was in the woods, like a forest, and that he hit her so many times he broke the club, or hit her so hard that he broke the club.

18. An individual designated Number 33 reported that prior to Martha Moxley's death, Michael Skakel informed him that he thought she was very attractive, and liked her very much. This individual reported that he and Michael had been boyhood friends, and was aware of a relationship between Michael and Martha. He reported that he had observed Michael and Martha engaging in horseplay, consisting of running around, tackling each other, wrestling and occasionally he saw them kissing. He reported that he had observed Michael kiss Martha in the Skakel family recreational vehicle, which was normally parked in the Skakel driveway. This

individual reported that in the early 1990s he had an occasion to speak to Michael about Martha Moxley's murder. He reported that Michael assured him that he had not killed Martha. However, he confided that he had, in fact been in "The Tree," masturbating the night Martha was murdered. This individual reported that he knows "The Tree" to be the tree under which Martha Moxley's body was discovered. He reported that he knows this because he and Michael use to climb this tree when they were boys. He explained that as boys he and Michael climbed many trees in the neighborhood. He reported that they would climb 60-, 80-foot high pine trees, and that the tree under which Martha's body was discovered, was one of their main trees. This individual reported that Michael was a night-type person, who would leave his house in the middle of the night, and roam around the neighborhood looking in people's windows.

19. A former resident of Elan, designated Number 35, reported that she was in Elan from 1977 to 1978. She reported that she was present when Michael Skakel stated that he was involved in the murder of a teenage girl. She reported that Michael had run away and was brought back to the facility, and that she was assigned to watch him. She reported that one morning she was with Michael in the dining room, and asked him why he always laughed when he was confronted with anything serious, and why he was at the institution. She reported that Michael informed her that he had gone to a party. He spoke about walking girls home, and then this girl was found murdered the next morning under a tree. Michael informed her that he thought he may have done it, that he was responsible, that he walked this girl home. He confided that he had been the last person with her, but he could not remember. She reported that Michael would say, "I think I did it, but I'm not sure." Michael informed her that they had been partying, and drinking, and that it was late at night, and that he had climbed in and out of his bedroom. She reported that as they talked, Michael informed her that he thought he might have done it, and that he was scared that he might have done it, and began crying. She reported that he mentioned something about there being two girls, and that he was not alone, or that they went somewhere else for the party, that he was at a party. Michael informed her that there had been a party, not at his house, and not at the girl's house, but they had gone somewhere else, like to a cousin's house. Michael said that at some time after being at this party, this thing happened with the girl. She reported that Michael informed her that he walked her home from the party and then he climbed up his bedroom window after, but that he came in through his window because he said it was really late and he was worried because he knows he came in late and he fell asleep and that nobody saw him. Michael said something about the implement used was in his room. She reported that she remembered Michael saying either they thought he had something in his room, or they were looking for something in his room. She remembered him saying that there was something to implicate him, and that he was scared. Michael informed her that he liked the girl. That she was someone he had known and liked, and that he was with her at the party, and walked her home. She reported that Michael had informed her that he had kissed the girl, and there was some kind of a romantic interchange between them while he was walking her home, and that this romantic interchange occurred either under, or in the vicinity of the tree where her body was later found. Michael said that what concerned and worried him was the fact that the girl found dead the next day was the same girl he had walked home the night before.

20. The affiant spoke with an individual, designated Number 44, who has been associated with Michael Skakel. This individual reported that Michael informed him that upon returning from a

General Meeting, while at Elan, a sign was put around his neck reading "Your brother didn't do it, you did this. You murdered your friend. My name is Michael Skakel. Please confront me why I murdered my friend. I'm just a spoiled, rich kid, a brat that thinks he can get away with what he wants." Michael informed this individual that he does not know what happened on the night of the murder. Michael claimed that on the night in question he invited Martha to accompany him to his cousin's house, but she refused, as she had a curfew. Michael said that he thought Martha was hot, and really wanted her for his girlfriend. He said that he went to his cousin's house, and wished that Martha had come with him. He believed that she would have been having so much fun and maybe they would have made out. Michael said that at his cousin's house they had smoked some pot. Michael claimed that upon returning home most of the lights were out. He went walking around the house. Nobody was on the porch. He went upstairs to his sister's room. Her door was closed. He wandered in the master bedroom, and nobody was there. Michael said that he went to bed, but couldn't sleep. He said that part of him wanted to go out, and another part of him got horny, and he kept thinking about this lady on Walsh Lane, but it was dark outside and he was afraid of the dark. Michael informed this individual that he looked in women's bedroom windows. He admitted that some of these women were his friend's mothers. Michael said that he snuck out either the front or back door, and ran to a house on Walsh Lane, hoping to see a woman that lived there naked. Michael said he was drunk and couldn't get it up. So he decided, "Martha likes me, I'll go get a kiss from Martha." He claimed that he went to the Moxley house, and climbed a tree near the front door. He said that he threw rocks or sticks at a window he believed to be Martha's, yelling her name and that while still in the tree, he pulled his pants down and masturbated for thirty seconds. Then, thinking this was crazy, and fearing he would be caught, he climbed down from the tree. Michael informed this individual that as he was returning to his house, through the Moxley property, something told him not to go through the dark oval section of the front lawn. He claimed to go from streetlight to streetlight, throwing rocks in case someone was there, as he felt a presence. He even claimed that he challenged anyone out there, saying "Come on out, come on out, I'll kick your ass." Michael continued to say that the next morning he awoke, still a little high from the night before, with a feeling of panic and feared that someone may have seen him. Michael informed this individual that Mrs. Moxley appeared at his door, asking if he had seen Martha. He claimed that he got on his bike and rode uptown looking for Martha. Again, thinking this was crazy, he returned to Belle Haven to find the police in the neighborhood. Michael informed this individual that the police told him that they had found Martha's body in what he described as the second place he had been yelling into on the previous night, that that was where she was hit, then dragged all the way to the back, about 200 yards to another dark area where her body was found. He informed this individual that on the evening of the murder he felt someone's presence in the area where Martha's body was discovered, and that he yelled something and threw something into the area at the trees.

21. The affiant spoke with an individual, designated Number 45, who reported that he had been a former resident at Elan. Although Michael Skakel was not a resident during his stay at the facility, following his stay, he and Michael became acquainted. He reported that there was a period in which he spent a great deal of time at the Skakel residence. It was during this period of time when this individual learned of the Moxley murder, and incidents concerning it. This individual reported that learning of the murder, coupled with Michael's behavior, caused him to act differently. He reported that Michael sensed a change in their relationship, and without any

provocation sat down with him and discussed the murder. He reported that one evening Michael told him that he wanted to explain to him what his involvement was. This individual reported that Michael informed him that on the evening of the murder he had come home, then went out to the Moxley property and climbed a tree outside of Martha Moxley's window where he could see her through the window. Michael said he could see Martha from the tree and proceeded to masturbate in the tree until his brother Tommy had come from the direction of their house towards the Moxley house. Michael claimed that he stopped at that point and waited until his brother was out of sight, then climbed down from the tree and went back home.

22. Based on the facts and circumstances set forth in this affidavit, the affiant believes probable cause exists to believe that Michael Skakel did commit the murder of Martha Elizabeth Moxley, and request that an arrest warrant be issued charging Michael Skakel with Murder, in violation of Section 53a-54a(a).

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