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while at the facility would not have meaningfully assisted the petitioner's defense at trial given that there already was sufficient evidence before the jury about the coercive methods used at the facility, and the more important evidence against the petitioner was the testimony that he had privately confessed to other residents.

e. Trial counsel's performance was not objectively unreasonable insofar as he failed to challenge a certain juror from serving on the jury at the petitioner's criminal trial; counsel questioned the juror about potential grounds for bias, the juror's candid responses indicated a thoughtful understanding of the role of a juror and the importance of impartially considering all the evidence presented in court before returning a verdict, and there was no evidence that counsel's decision caused the defense any prejudice.

f. Trial counsel's closing argument was not constitutionally deficient, as his argument amply covered the critical evidence supporting the petitioner's defense and addressed the key arguments raise by the state; furthermore, although certain comments of counsel, while legally objectionable, demonstrated strong advocacy on his part and reflected mistakes that a reasonable attorney might make, they did not constitute deficient performance.

g. The petitioner failed to show that he was prejudiced as a result of trial counsel's failure to suppress certain audio recordings of the petitioner narrating his activities on the night on the murder, which were in the possession of a writer who was helping the petitioner write his autobiography; even if trial counsel had sought to suppress the recordings, the petitioner failed to demonstrate that counsel's efforts would have succeeded, as the recordings, even if unlawfully seized by the police, would inevitably have been obtained by the grand jury pursuant to its subpoena power.

3. The petitioner could not prevail on his claim that he was denied his sixth amendment right to counsel because his fee arrangement with his trial counsel presented a conflict of interest that prevented his counsel from properly representing the petitioner; the habeas court properly concluded that the petitioner presented no evidence to establish that any claimed conflict caused him any harm or prejudice.

(One justice concurring and dissenting; two justices dissenting in one opinion)

Argued February 24—officially released December 30, 2016***

Procedural History

Amended petition for a writ of habeas corpus, brought to the Superior Court in the judicial district of

*** December 30, 2016, the date that this decision was released as a slip opinion, is the operative date for all substantive and procedural purposes.

NOTE: These pages (325 Conn. 429 and 430) are in replacement of the same numbered pages that appear in the Connecticut Law Journal of 16 May 2017.

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Tolland and tried to the court, *Hon. Thomas A. Bishop*, judge trial referee, who, exercising the powers of the Superior Court, rendered judgment granting the petition; thereafter, the court granted in part the petitions for certification to appeal filed by the respondent, and the respondent appealed and the petitioner cross appealed. *Reversed; judgment directed.*

Susann E. Gill, supervisory assistant state's attorney, with whom were *James A. Killen*, senior assistant state's attorney, and, on the brief, *Kevin T. Kane*, chief state's attorney, *John C. Smriga*, state's attorney, *Leonard C. Boyle*, deputy chief state's attorney for operations, and *Jonathan C. Benedict*, former state's attorney, for the appellant-cross appellee (respondent).

Hubert J. Santos, with whom was *Jessica M. Walker*, for the appellee-cross appellant (petitioner).

Opinion

ZARELLA, J. In 2002, a jury found the petitioner, Michael Skakel, guilty of the 1975 murder of his neighbor, Martha Moxley (victim). After previous unsuccessful attempts to overturn his conviction, including two appeals to this court, the petitioner filed the habeas petition that is the subject of this appeal. In that petition, he principally claimed that his criminal trial counsel provided such inadequate representation that he was denied his constitutional right to have the effective assistance of counsel for his defense. The habeas court agreed with the petitioner on some of his claims and rendered judgment granting the petition. The respondent, the Commissioner of Correction, has appealed from the habeas court's judgment. Because we conclude that the petitioner's trial counsel rendered constitutionally adequate representation, we reverse the judgment of the habeas court and remand the case to