

ROSECUTION & DEFENSE

Carpenter Case: Impasse Solved

Lawyer testimony dilemma suddenly resolved

By THOMAS SCHEFFEY
Law Tribune Staff Writer

Two of the state's top criminal defense teams are switching places in the defense of former lawyer Beth Ann Carpenter so her New London murder-for-hire trial can begin jury selection November 13.

Carpenter is accused of conspiring with Haiman Clein, an Old Saybrook lawyer who was once her employer and lover, in hiring a law firm client to kill Anson "Buzz" Clinton in a 1994 roadside ambush. Clein and shooter Mark Despres have admitted guilt and are imprisoned.

New London Superior Court Judge Susan B. Handy didn't want to extend the trial date until the spring of 2002, as requested by Hartford's Hubert Santos and his partner Hope Seeley. Unless Handy could give them more time to prepare, Santos and Seeley, who are working now on another major case, requested that they be excused from representing Carpenter.

Back On The Case

Instead, Hugh F. Keefe and Tara L. Knight, of New Haven will be back on the case, despite the fact that they were booted from it last fall because of the objections of prosecutor Kevin Kane. The prosecution said Keefe would have to testify about a half-dozen key issues, and could not properly be a witness and defender at the same time.

However, in a four-way compromise, the judge and prosecutor got to stick to their timetable, Carpenter got her counsel of choice, and Keefe and Knight surmounted the witness-conflict issues.

Instead of Keefe taking the stand to



Beth Ann Carpenter, above, has agreed to waive her attorney-client privilege to the extent necessary to allow Hugh F. Keefe and Tara L. Knight to represent her without conflict-of-interest issues over testimony.

establish key links in the story where his testimony is needed by the state, Carpenter will waive her attorney-client privilege to the extent necessary for her lawyers to draft stipulations of what occurred in those specific instances.

The first circumstance is Carpenter coming to see Keefe and her retaining him in the New Haven offices of Lynch, Traub, Keefe Errante, after Clein had retained former Meriden lawyer Robert M. Axelrod.

Keefe will also stipulate to facts regarding Carpenter's trip to England and Dublin shortly before Clein left New London in unsuccessful cross-country flight California to evade arrest.

Keefe will stipulate to details of the extradition fight Carpenter waged successfully to keep from coming back to the U.S.

He will also explain her cooperation with police abroad in the apprehension of Clein when he was fleeing.

No Testimony Required

The stipulations, said Keefe, "would go into evidence without me having to physically take the stand and testify."

Carpenter, he said, "agreed to this. I said she would prefer that Tara Knight and I came back into the case, and prefer that Hubie and Hope be relieved of the case because of their inability to properly prepare."

Santos and Seeley have been caught up in the high-profile capital felony and murder trial of Chasity West in Hartford.

At the July 27 meeting with Kane in New London, Santos, Knight and Keefe were present, as was the victim's mother, Chasity Clinton. Clinton complained about Carpenter being out of jail on house arrest.

Keefe's return to the case was triggered by the November 13 date for jury selection which Handy would not extend.

The trial is set to be handled by New London Superior Court Judge Stuart Schimmelman.

"Realistically, Tara and I are the people who could prep for this case in the time that we have." From a document-arrangement and logistics standpoint, Keefe said, "This case is monstrous."

State Supreme Court To Hear Skakel Appeal

High court transfers to itself high-profile case pending in Appellate Court

The state Supreme Court has agreed to hear the appeal of Kennedy cousin Michael Skakel who has challenged the transfer of his murder case from juvenile court to adult court.

Both prosecutors and the defense had asked the high court last month to directly consider the appeal that had been pending in state Appellate Court.

At issue is the juvenile court judge's ruling that Skakel must be tried as an adult in the 1975 beating death of Greenwich teenager Martha Moxley.

"We have said all along that we want a swift resolution to this case, and since it was likely this matter would be heard by the Connecticut Supreme Court anyway, why waste time getting there," defense attorney, Michael Sherman, said last week.

Juvenile Matters Judge Maureen Dennis transferred Skakel's case to adult court. Skakel, nephew of the

Benedict said he expected oral arguments to be scheduled for September, with a ruling to follow within a month or two.

"It would be in keeping with the expedited status of this case," Benedict said.

Skakel, 40, was arrested in January 2000 on a murder charge and arraigned as a juvenile for a crime he allegedly committed when he was 15.

Dennis ruled in February that there was sufficient evidence to allow Skakel's case to proceed to trial and ordered the case transferred to adult court.

Skakel appealed the transfer in April, arguing that the law that says Moxley was killed should apply to his case.

Under 1975 state law, however, juveniles as young as 14 could be tried as adults for murder.

In making her ruling, Dennis had said Skakel had to be tried as an adult because there are no state juvenile facilities that can accommodate the middle-aged defendant.

Defense attorneys had hoped to keep the case in juvenile court where Skakel faced a maximum sentence of four years in a re-