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Shefelbine's Lawyers Failed Him, Witnesses Testify

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VERNON

Tolland sex offender Scott Shefelbine's previous lawyers failed to properly represent him when he pleaded guilty three years ago to sexually assaulting five girls, ages 14 to 18, his lawyer argued in court on Friday.

Jon Schoenhorn of Hartford, contends that Shefelbine, 36, is illegally imprisoned because his lawyers were ineffective.

Should Schoenhorn succeed, Judge John M. Newson could vacate Shefelbine's guilty plea and order the case back to trial, where he presumably could face all the original charges. That could expose him to a prison sentence of up to 500 years.

The judge would have to find that the original lawyers, Brad Bailey and Jeffrey Denner of the Boston law firm Denner Pellegrino were ineffective, and that Shefelbine could have fought the sexual assault charges successfully at a trial.

Two witnesses presented by Schoenhorn in Superior Court in Rockville on Thursday and Friday, criminal defense attorneys Tara Knight of New Haven and Edward Gavin of Bridgeport, testified that Shefelbine's lawyers failed him.

A key part of Shefelbine's agreement to plead guilty was a provision that his mother, Gail Shefelbine, not be charged in connection with his crimes. She did face perjury charges later.

"His plea was conditioned on the fact his mom wasn't going to be prosecuted," Gavin testified.

A transcript of the sentencing hearing indicates that there was confusion and that the defense lawyers should have asked for a recess to explain the agreement, Gavin said. They also should have sought clarification from the prosecutor, whose comments about whether Gail Shefelbine would be prosecuted were not clear, Gavin said.

Assistant State's Attorney Elizabeth Leaming said at the sentencing hearing Gail Shefelbine would not

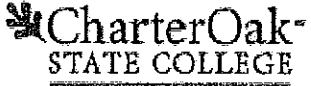
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be charged as a conspirator or accessory to sexual assault, and later made a more general comment that Gail Shefelbine would not be charged.

Knight said the comment should have been a red flag to the defense attorneys.

"It begs the question, 'What are you going to charge the mother with?'" Knight said. The defense lawyers were obligated to clarify the issue, she said.

Knight and Gavin also testified that the \$300,000 fee Denner Pellegrino charged Shefelbine presented a conflict. Gavin said the fee was a disincentive to take the case to trial because the lawyer would make no more money for doing so. There should have been a fee for pretrial services that might result in a plea agreement, and a second fee if the case went to trial, Gavin said.

Assistant State's Attorney Michael Proto, in cross-examining Gavin, asked whether it was just as likely for an unscrupulous lawyer to urge a client to go to trial so that he can collect a larger fee. Gavin agreed that it was.

Gavin called the fee "exorbitant." Denner Pellegrino also represented Gail Shefelbine in her perjury case for a fee of \$110,000.

A third day of trial has yet to be scheduled. The defense attorneys and Learning are expected to testify on that day.

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