



Skakel trial bid Pushes witness to testify in '75 slay

By JOHN
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Kennedy cousin Michael Skakel is trying to compel a Florida man to testify about his claim implicating two friends in the 1975 murder that sent Skakel to prison in 2002.

Skakel, a nephew of Ethel Kennedy, is seeking a new trial based on a claim by Gitano "Tony" Bryant, who implicated his friends in the killing of 15-year-old Martha Moxley in Greenwich, Conn. Skakel, 47, was convicted of bludgeoning Moxley to death with a golf club in 1975 and is serving 20 years to life in prison.

Bryant made the claim in 2003 in a videotaped interview with Skakel's private investigator, Vito Colucci Jr. But Bryant invoked his Fifth Amendment right against self-incrimination when he was deposed last summer in



MICHAEL SKAKEL
Serving 20 yrs. to life.

Skakel's bid for a new trial.

Skakel's attorneys argue that Bryant waived his Fifth Amendment right when he gave Colucci the statement.

"Mr. Bryant cannot be allowed to unring the bell he set off when he voluntarily came forward, gave his statement, and allowed it to be preserved on videotape," Skakel's attorney, Hope Seeley,

wrote in a motion filed last week in state court in Florida, where Bryant lives.

A hearing is scheduled for March 7 in Miami, but Bryant's attorney, Joel Denaro, said yesterday he will ask for a postponement. Bryant's earlier statement to Colucci did not involve an official proceeding, so he did not waive his Fifth Amendment right, Denaro said.

"He's going to be taking the Fifth Amendment again," Denaro said. "They're misinterpreting the law."

Denaro said Bryant had nothing to do with the murder, but still fears he could be prosecuted for obstruction of justice or other charges. He noted that prosecutor Jonathan Benedict has accused Bryant of making up the account, while Skakel's defense asked accusatory questions during the deposition.

"When everybody on the block is lobbing water balloons at you, you're allowed to put on a raincoat," Denaro said.

Bryant said he was with two friends from New York in Greenwich the night Moxley was killed. According to court papers, Bryant said one friend had met Moxley and "wanted to go cave-man on her," and that after he left his pals that night, they later told him, "We did what we had to do."

The two men Bryant implicates also have exercised their Fifth Amendment rights.

A hearing on Skakel's petition for a new trial is scheduled for April 17 in Stamford Superior Court.

The request for a new trial will be heard by a judge, not a jury. If granted, a new jury trial would take place.

Benedict has said he expects the hearing to take about two weeks. AP