

# Connecticut Post

## Appeal expected on Ross reprieve

### *Prosecutors want execution on track*

By **MICHAEL P. MAYKO** [mmayko@ctpost.com](mailto:mmayko@ctpost.com)

**Wednesday, January 26, 2005 -**

State prosecutors will file an immediate appeal with the U.S. Supreme Court in an effort to put Michael Ross' execution back on track after the 2nd U.S. Circuit Court of Appeals rejected a similar request Tuesday.

Ross, 45, was scheduled to die by lethal injection at 2:01 this morning. He has admitted killing eight young women and raping most of them during the 1980s and said he now wants to die.

His execution, the first scheduled in Connecticut since May 1960, is on indefinite hold.

Residents of the region Tuesday spoke against the latest delay, some saying it was "very upsetting" or "outrageous."

One legal expert said it could take six months before all the legal issues are resolved.

"We are definitely going to seek a review in the U.S. Supreme Court," said Mark Dupuis, a spokesman for the Chief State's Attorney's Office. "We could file that as early as today."

Meanwhile, Diocese of Bridgeport Bishop William E. Lori called the delay "an opportunity for us all to stop and look at what we're doing.

"I'm glad we have it," he said. "It's a chance for us to ask ourselves if this is the path we really want to go down."

On Tuesday, a three-judge panel of the federal appeals court in New York ruled less than an hour after hearing arguments, upholding a stay of execution issued a day earlier by U.S. District Judge Robert Chatigny in Hartford.

The appeals court said Chatigny can hear evidence about Ross' mental competency to forgo appeals of his death sentence as a way to determine whether Connecticut's public defenders can intervene in the case and file motions on Ross' behalf.

Chatigny allowed the public defenders to intervene Monday, but the appeals court said he should not have done so without first holding the competency hearing. The second-circuit judges urged Chatigny to hold a hearing quickly.

Chatigny issued the stay after hearing testimony on Monday from a psychiatrist who testified that Ross' lengthy seclusion on death row may have made him incompetent to decide to end appeals of his death sentence.

Hartford attorney **Hubert Santos**, who argued on behalf of the public defenders, was happy with the ruling. "Right result and great result," he said.

Ross' attorney, T.R. Paulding, said that he expected the ruling after hearing the types of questions the judicial panel was asking. He said he would talk to Ross about the developments.

Any motion filed with the U.S. Supreme Court by the Chief State's Attorney's Office will be reviewed by Justice Ruth Bader Ginsburg. Her duties include overseeing issues involving the 2nd district appeals court, which includes Connecticut.

**Michael Fitzpatrick**, a Bridgeport criminal defense lawyer who once represented Ross, predicts Ginsburg will quickly deny the state's attorney's petition because, "There's not enough on the plate for the U.S. Supreme Court to consider."

There won't be until Chatigny conducts the full competency hearing, Fitzpatrick said.

He suspects Ginsburg will deny the prosecution's petition, perhaps as soon as late today or early Thursday.

Once that happens, Fitzpatrick believes Chatigny could conduct a hearing within 30 days. He believes the entire issue of Ross competency could be determined within six months. That includes taking the matter back to the 2nd U.S. Circuit Court of Appeals and U.S. Supreme Court.

If Ginsburg decides there is an issue to be ruled on, she'll recommend the entire court hear it,

which would further delay any hearings by Chatigny.

"All this is very upsetting," said Lisa Davidson, a limousine driver from Trumbull. "This man [Ross] admitted what he did. He was sentenced to die and wants to die. Why are we paying all this money to keep him alive? Why?"

"It's a shame," said Edward Chickos of Milford of the latest ruling. "I'd really like to know what those judges would be doing if it had been one of their daughters Ross raped and murdered. It's outrageous how they're playing with the public."

Davidson and Chickos were among nearly a dozen Connecticut Post readers who called to express dissatisfaction with the court rulings.

Last week, Edwin Shelley, the father of one of Ross' victims, Leslie Shelley, compared the whole process to a "terrible roller coaster ride."

"It's very emotional, it's very wearing," Shelley said of the numerous appeals during an interview with the Connecticut Post.

"He's constantly saying he wants to die," Shelley said. "What I want is for him to do it."

Meanwhile, Brian Garnett, a spokesman for the Department of Correction, said Ross is still housed in the Osborn Correctional Institution, where the death chamber sits.

"We stand prepared" for an execution, Garnett said.

The Associated Press and staff writer Linda Conner Lambeck contributed to this report.

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# Connecticut Post

## Ross execution postponed

### *Judge questions killer's mental state*

By **MICHAEL P. MAYKO** [mmayko@ctpost.com](mailto:mmayko@ctpost.com)

**Tuesday, January 25, 2005** -

BRIDGEPORT — A federal judge Monday postponed the execution of a serial killer who had tried to end his appeals and was to become the first person put to death in New England in nearly 45 years.

U.S. District Judge Robert N. Chatigny, sitting in Hartford, said he wants to hear more evidence about Michael Ross' mental capacity. The judge said the delay would last until a full hearing can be held on Ross' competency. He did not immediately set a date for the hearing. "Having listened to the witness, there is no doubt in my mind that we have a genuine issue here that needs to be explored," Chatigny said.

With Ross' execution on hold, Diocese of Bridgeport Bishop William E. Lori urged area Catholics not to "lose momentum in our ongoing campaign to abolish the death penalty outright in the state of Connecticut.

"The Holy Father reminds us that respect for human life must be profoundly consistent from conception until natural death," said Lori.

The bishop was in Washington for the annual anti-abortion march. "Except as a last resort, taking life is not the way we, as a civilized society, should defend life."

Ross, 45, who graduated from Cornell University, was scheduled to die by lethal injection Wednesday at 2 a.m. He has admitted to killing and raping eight young women, including four from Connecticut, in the 1980s.

Since last year, Ross repeatedly has asked that no appeals be filed on his behalf. He hired an attorney to help expedite his execution.

Monday's delay was sought by the state public defender's office.

Today, Chief State's Attorney Christopher Morano's office will try to convince the U.S. 2nd Circuit Court of Appeals in New York to overturn the stay.

"I don't believe the Chief State's Attorney's office will have much success," said **Michael Fitzpatrick, a Bridgeport lawyer who heads the Connecticut Criminal Defense Lawyers' Association.** "There's no way the 2nd Circuit is going to find that Judge Chatigny abused his discretion by imposing the stay."

As a result, Fitzpatrick does not see Ross being executed in the next several days.

Fitzpatrick wouldn't be surprised if Chatigny delays the execution for as much as six months to give both sides a change to compile their evidence for a full hearing.

However, if the appellate court does overturn Chatigny, Fitzpatrick believes the their ruling will be taken to the U.S. Supreme Court.

This was a relief to Tracy Lamourie, a co-founder of the Canadian Coalition Against the Death Penalty, which has allowed Ross to post several of his writings on their Web site.

"I don't know how long of a reprieve he'll get," said Lamourie, "but this is a start. It would be great if Connecticut banned the death penalty altogether."

Meanwhile, Beth Profeta of Danbury and Danielle Rea of Milford, who are members of Survivors of Homicide, believe too much time is being spent considering Ross' fate and that the impact this is having on the families of his victims has been forgotten.

"I can only imagine what they are going through," said Profeta whose mother, Mary Badaracco of Sherman, has been missing since August 1984.

"Did this much consideration go into how much the victims are suffering?" said Profeta. "I'm surprised we're not all standing firm with our [Gov.] Jodi Rell on this."

Rea, whose brother was murdered in Houston in 1991, is not surprised by the delay because of all the appeals.

"Michael Ross met all the criteria to receive the death penalty and was ordered to be

executed," she said. "It cost a lot of money to catch him, a lot of money to try him, a lot of money to keep him in jail and now it's costing us a lot of money to keep him alive even though he wants to die."

Ross has said he wants his execution to give closure to his victims' families.

But Dr. Stuart Grassian testified Monday that Ross wants to be executed because he finds life unbearable on death row. Grassian said that letters Ross wrote in prison suggest that he is not capable of making rational decisions about his execution.

The Associated Press contributed to this report.

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# Connecticut Post

## Ross request for competency exam delays his execution again

By **MICHAEL P. MAYKO** [mmayko@ctpost.com](mailto:mmayko@ctpost.com)

**Tuesday, February 01, 2005** -

The knell tolled at 11:59 p.m. Monday, killing the death warrant but not Michael Ross. The serial killer escaped still another date with death Monday, and legal experts believe it will be months

if ever

before another date is issued.

That's because Ross and his lawyer, T. R. Paulding, Monday did a complete turnabout, from demanding execution to requesting a full competency exam.

Ross, a 45-year-old Cornell University graduate, has admitted murdering at least eight women in Connecticut and New York, many of whom were raped.

He was originally scheduled to die Wednesday by lethal injection at Osborn Correctional Institution in Somers, but the execution has been postponed several times after legal challenges.

"I can only imagine the emotional roller coaster it has been over the last week for [Ross victims'] families," Gov. M. Jodi Rell said Monday. "My heart goes out to them."

She added: "When the process of the competency hearing is complete, assuming he is found competent and there are no further legal impediments, the state should move forward with his execution."

Ross' last date with death was 9 p.m. Monday but that fell by the boards about 11 a.m.

"We've always said that Ross could ask for a hearing up to a minute before he was executed," said state Attorney General Richard Blumenthal. "He's now made that request."

Blumenthal believes the hearing will begin in New London Superior Court.

"The next step will be for the chief state's attorney's office and possibly my office to respond to it," said Blumenthal.

**Edward Gavin, a lawyer with Meehan, Meehan & Gavin in Bridgeport**, which has defended death penalty cases, believes it will take "at least 60 days, probably longer," before an independent team can complete an evaluation.

"Ross has been in jail 18 years," Gavin said. "What the team will need to do is check his daily logs, activity reports, interviews he's given, his writings it's not like going in and having your heart evaluated. This is going to take time."

It should also involve a lot of testimony from experts, according to Antonio Ponvert III, a lawyer with Koskoff, Koskoff & Bieder in Bridgeport, who represents Ross' father.

"There should be at least two psychiatrists, one provided by the state and one by the public defender's office," and possibly "a dozen witnesses," including experts in prison management and death-row syndrome.

Ponvert said the experts should testify in an adversarial setting in front of a new Superior Court judge.

"Due process in this situation requires a thorough analysis of Michael's state of mind," said Ponvert. "A three-week examination is not something that's meaningful."

Once the examination is complete, Gavin said, there will be a court hearing. If Ross is judged competent it will likely will set off appeals through the state and federal criminal justice system.

"The fact that we have a constitutional rights case pending before [Chief U.S. District Judge Robert Chatigny] will give us a chance to monitor the thoroughness of the state's action," Ponvert said.

If Ross is judged incompetent, Gavin believes the state will send him to Whiting Forensic Institute in Middletown to restore his competency.

Restoration could take years.

"I can't predict what will happen," said Blumenthal. "I do believe the sentence is a lawful one and the criminal justice system should be permitted to achieve finality."

What triggered the latest challenge was a phone call from Chatigny to Paulding Friday. In it, Chatigny chided Paulding for failing to aggressively investigate challenges to Ross' competency.

At one point, the judge threatened to lift the lawyer's legal license if he was wrong about Ross' competency.

"Judge Chatigny is fair and showed how much he cares about the rules of law," Ponvert maintained. "He saw a monstrous injustice about to be committed and did what he had to do to fix it."

As a result, Ponvert said Paulding "did what he should have done months ago."

In motions filed Monday, Paulding maintained that Dr. Michael Noriko, a state psychiatrist who determined Ross competent, now claims he might change his decision if he had access to new evidence released last week.

Some of that evidence includes a claim Ross is suffering from death-row syndrome a desire to be executed because after years of spending 23 hours a day in a cell with almost no human contact.

"Chatigny toured death row [in an unrelated civil matter]. He knew what the conditions were like. He saw issues that needed to be looked into," Gavin said.

"This is just a continuing example of how Michael Ross manipulated the system," Gavin said.

"Quite frankly, I think he finds great joy in this."

The state must move forward with the execution, said Danielle Rea, a Milford woman who joined Survivors of Homicide as a result of the 1991 murder of her brother.

"If Michael Ross manipulated the system, then shame on the lawyers and judges who allowed this to happen," she said. "How much longer are the lawyers and the judges going to make victims' families suffer? Michael Ross received more attention than any of the victims he raped and murdered."

"I cannot understand those who feel that the death sentence should be abolished," said Al Kerstein, a death penalty supporter and retired head of the Greater Bridgeport Better Business Bureau. "Cruel and inhuman punishment? Give me a break. How about those that were killed, and their survivors and families?"

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# Connecticut Post

## Ross death stay lifted

By **MICHAEL P. MAYKO** [mmayko@ctpost.com](mailto:mmayko@ctpost.com)

**Friday, January 28, 2005** -

The U.S. Supreme Court Thursday lifted a stay of execution for Michael Ross, clearing one of two obstacles blocking the state from putting the serial killer to death.

The 5-to-4 decision brings Ross a step closer to becoming the first person to be executed in New England in 45 years.

He could be put to death as early as Saturday morning if the latest bid to stop the execution fails this morning.

The high court decision does not affect a separate 10-day restraining order issued on Wednesday after Ross' father filed a civil rights lawsuit to block the execution, against his son's wishes. Attorney General Richard Blumenthal will urge a three-judge panel at the 2nd U.S. Circuit Court of Appeals in New York this morning to dissolve the temporary restraining order and allow the execution to go forward.

"There has to be some finality and certitude in the criminal justice process to avoid needless pain and anguish on the part of the victims' families and financial and emotional cost to the state and its citizens," Blumenthal said Thursday.

Chief U.S. District Judge Robert N. Chatigny issued the 10-day delay Wednesday after Daniel Ross, Michael's father, filed a civil suit claiming his constitutional rights to associate with his son would be violated if the execution took place.

Antonio Ponvert III, a Bridgeport lawyer with Koskoff, Koskoff and Bieder, is representing Daniel Ross.

Michael Ross, a 45-year-old Cornell University graduate, admitted to raping and killing at least eight women in the 1980s.

**Michael Fitzpatrick, head of the Connecticut Criminal Defense Lawyers Association,** believes Ponvert has an "uphill battle" convincing the appeals court to further delay the execution.

"It's not like a habeas corpus petition claiming there were defects in the trial," Fitzpatrick said. "This is a civil suit brought by a third party contending that constitutional rights of association will be violated. I don't think the 2nd Circuit will have the same reservations about terminating a temporary restraining order as they did early this week with refusing to vacate a stay."

That stay was imposed by Chatigny after the state's Chief Public Defender's office challenged Ross' competency by claiming he suffered from death-row syndrome in asking to be executed.

The 2nd Circuit upheld Chatigny's stay and urged him to conduct a full competency hearing.

But late Thursday afternoon, the U.S. Supreme Court in a 5-to-4 vote overturned that stay in a two-paragraph decision giving no reasons.

"Michael is relieved, but he knows we're not out of the woods yet," said T.R. Paulding, Ross' lawyer, who has been working with him to end all appeals. "I know it sounds strange to say he's relieved, but he is still very firm and hoping the execution will go forward."

The execution was rescheduled for Saturday at 2:01 a.m., "barring any legal impediments," said Correction Department spokesman Brian Garnett. The high court's decision ended the chief state public defender's efforts.

"There will be no hearing on his mental competency," said Chief State Public Defender Gerard Smyth. "It appears he will be executed without anyone hearing all the evidence that we have that he is mentally incompetent."

Blumenthal called the high court's decision "historic" and "profoundly important." He said it heightens the importance of today's hearing.

He will point out to the appeals court that three state judges and one federal judge, Christopher Droney, have found Ross "competent to waive his right to appeal."

Blumenthal said there is no right to due process on behalf of a family association.

Fitzpatrick said he was surprised by the Supreme Court ruling.

"If the U.S. 2nd Circuit Court of Appeals said they didn't have an extensive enough record to rule on the competency claim, how can the U.S. Supreme Court find the record adequate?" he said.

Fitzpatrick suspects that no matter what the appellate court does today, it might take the Supreme Court until Tuesday to review and decide the matter.

That poses another problem.

If Monday ends without Ross being executed, the death warrant expires.

"The state would then have to go back to the sentencing judge [Superior Court Judge Patrick Clifford] and get a new date within 30 to 180 days," Blumenthal said.

That would mean the earliest Ross could be executed would be the first week of March.

**Edward Gavin, a lawyer with Meehan, Meehan & Gavin in Bridgeport**, said by refusing to appeal Ross pushed his execution up by as much as "five to nine years."

"He's manipulating our criminal justice system the same way he manipulated his victims," Gavin said.

Gavin said the execution could take place before the state Supreme Court conducts its study on the use of the death penalty and the legislature reviews the lack of a clemency provision in the law.

Also on Thursday, the U.S. Supreme Court rejected a bid by the Missionary Society of Connecticut claiming the state Board of Pardons and Paroles acted inappropriately in not commuting Ross' sentence.

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01/27/2005

## Judge further delays execution

Michelle Tuccitto , Register Staff

**As the U.S. Supreme Court on Wednesday considered whether to lift a stay blocking serial killer Michael Ross' execution, a federal judge issued a restraining order preventing the execution for at least 10 days.**

The chief state's attorney's office filed an appeal with the U.S. Supreme Court in an attempt to overturn the stay — which would allow the state to proceed with its first execution in 45 years.

Meanwhile, U.S. District Judge Robert Chatigny, who ordered the stay earlier this week, issued a temporary 10-day restraining order Wednesday preventing the state from executing Ross until a competency hearing is held.

The restraining order came in a civil rights case brought by Ross' father, Dan Ross, seeking to protect his own constitutional right to familial association with his son.

The Supreme Court hadn't issued a decision as of late Wednesday.

"Every state court that has examined the issue has determined that Ross is competent to choose to forgo further appeals," prosecutors wrote in a 36-page argument to the nation's highest court. "The stay should be vacated."

Ross, who admits killing eight women in Connecticut and New York, was originally scheduled to die Wednesday. If the U.S. Supreme Court vacates the stay, the execution can proceed.

The prosecutors' application was to Associate Justice Ruth Bader Ginsburg, who may refer the case to the full court.

According to prosecutors, Ross' right to decide his own fate, choose his own counsel and not have litigation foisted on him are at stake.

The public defenders' office filed a reply with the court Wednesday evening.

"I'm optimistic that they will uphold the stay," said Chief Public Defender Gerard Smyth.

If it is upheld, public defenders will have a chance to try to prove Ross isn't competent to forgo further appeals.

They'll go back to Chatigny to schedule a competency review.

Dan Ross' attorney, Antonio Ponvert of Koskoff, Koskoff and Bieder in Bridgeport, said the father talked with his son about the new lawsuit and "told Michael that he would do everything in his power to keep him alive."

While Michael Ross didn't support the suit, Ponvert said, he understood "that's what a father would do."

The 2nd U.S. Circuit Court of Appeals on Tuesday affirmed Chatigny's decision to stay the execution, pending a full hearing on Ross' competency. Prosecutors on Wednesday were appealing that ruling.

**Attorney Michael Fitzpatrick**, a Bridgeport-based lawyer who once represented Ross, said he believes it is highly unlikely the Supreme Court will take the case and reverse the decisions of the lower courts.

"The 2nd Circuit said the record is incomplete," said Fitzpatrick, who is also president of the Connecticut Criminal Defense Lawyers Association. "If they don't have an adequate record to review, there is no way the Supreme Court will review it." Stephen Bright, director of the Southern Center for Human Rights, based in Georgia, years ago had a client's stay overturned by the Supreme Court. John Evans, who was on death row for an Alabama murder, was executed.

"I would not be surprised if they did vacate the stay," said Bright, a visiting lecturer at Yale Law School. "This court has been very activist in that regard."

Steven Duke, professor of law at Yale, however, said it is normally a long shot for the U.S. Supreme Court to summarily reverse a decision of the Court of Appeals.

"They have done it in the past, but I think it is unlikely," Duke said.

John Allen of Columbia, whose daughter went to school with one of Ross' victims, Robin Stavinsky, has mixed feelings about the case.

"In one way, I wouldn't like to see him executed, because I think a lifetime in jail is more cruel," Allen said. "His cruelty to those girls was such that he should suffer. ..."

"They should limit the number of appeals and the number of groups that can appeal. Then, take care of it and save taxpayers' money."

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01/30/2005

## Ross' attorney must weigh his fate vs. client's

Michelle Tuccitto , Register Staff

**A federal judge's stern warning to Michael Ross' attorney derailed the serial killer's scheduled execution early Saturday, and according to some in the legal community, could cause indefinite delays.**

**U.S. District Judge Robert Chatigny reprimanded T. R. Paulding, saying he was "terribly, terribly wrong" to help Ross proceed with his execution.**

Ross, who has admitted killing eight women in Connecticut and New York in the early 1980s, was scheduled to die by lethal injection at 2:01 a.m. Saturday.

This was postponed after Paulding announced that he needed to address a possible conflict of interest.

The execution is now scheduled for 9 p.m. Monday.

The state has a deadline of midnight Monday to execute Ross, otherwise officials have to apply for a new execution warrant, which could mean further delays.

Chatigny accused Paulding of ignoring new information from another inmate and a prison guard, who have said Ross wants to die because of deplorable death row conditions, according to records released by the U.S.

Supreme Court.

Chatigny went as far as threatening Paulding's law license if the execution goes forward and it is later determined that new information about Ross' competence to make decisions proves true.

Chatigny spoke to Paulding via telephone Friday.

Ross has said he wants to forgo further appeals out of a desire to spare his victims' families from additional pain.

Paulding has repeatedly expressed his belief that Ross is fully competent to make this decision, and that he would alert the courts immediately if his opinion about his client's competence changed.

Paulding stressed early Saturday that the request for a postponement was from him, not Ross.

"His decision to accept his penalty remains unchanged," Paulding said of Ross. "There has been concern about any conflict of interest on my part, and I'm taking time to address that."

Paulding has a duty to represent his client's wishes to proceed with his execution. But if helping Ross could put Paulding's own future law career in jeopardy, it can be a conflict of interest.



Michael Ross' attorney, T.R. Paulding, right, looks downcast as he announced at a news conference in Somers, Conn., that he has requested a delay in Ross' execution. AP

While Paulding spoke to reporters early Saturday, he could not be reached for additional comment later.

Paulding did not elaborate on the nature of his alleged conflict of interest.

Chatigny's earlier decisions to issue stays in the case, pending a full competency hearing and review of new information, were ultimately overturned by the U.S.

Supreme Court.

**Attorney Michael Fitzpatrick of Bridgeport**, who formerly represented Ross, said what Chatigny did was warranted.

"He had to take bold steps," Fitzpatrick said. "All the impediments to the execution had been wiped away."

He expects there will be court proceedings Monday to determine the extent of any potential conflict of interest on Paulding's part.

"It will probably resolve itself in court on Monday," Fitzpatrick said. "No federal judge will allow an execution to proceed if the defendant's attorney is operating under a purported conflict of interest."

Antonio Ponvert III, the lawyer who represents Michael Ross' father, Dan Ross, said the "good guys are winning as long as Michael is alive."

"If the execution goes forward, (Paulding's) law license may be at stake," Ponvert said. "He can't advocate on behalf of his client without putting his legal career on the line. He has a conflict of interest."

Ponvert vowed to pursue every possible avenue of relief for his client in the coming days.

Ponvert refused to elaborate on his strategy Saturday, however.

## **THE VICTIMS**

The postponement of the execution upset several of Ross' victims' relatives, who have been waiting more than two decades for closure.

"After 20 and a half years, what can I say?" said Ray Roode, stepfather of 14-year-old victim April Brunais. "Now we have a judge injecting himself into this case. I have a real problem with this judge. I think he is stepping outside his bounds threatening an attorney."

Roode said the judge has never experienced the senseless taking of a child's life in his family.

"I hope he never has to walk in my shoes," Roode said.

Chief State's Attorney Christopher Morano said the state had no choice but to honor Paulding's request.

"My deepest sympathies go out to the families of the victims," Morano said. "It is frustrating for the state and for the families. This involves matters between an attorney and client." Attorney General Richard Blumenthal said that when legal counsel indicates a conflict of interest, the state has to honor his request.

"There will be further legal proceedings," Blumenthal said.

"We can't elaborate because the issues of conflict of interest are between the lawyer and Mr.

Ross." When asked if the execution is in jeopardy, Blumenthal said he has not reached that conclusion.

Attorney Hugh Keefe of New Haven, who isn't involved in the Ross case, said federal judges have enormous power over the lawyers who practice before them.

"(Chatigny) could affect (Paulding's) right to practice in federal court," Keefe said.

"Judges have summary suspension power and could refer attorneys to the state bar grievance committee."

The latest development shows how seriously judges like Chatigny take the death penalty, Keefe said.

"This proves yet again why capital punishment is a ridiculous thing to have," Keefe said. "You have a defendant who wants to die and the state wants to do it."

The case has been through several courts and innumerable proceedings. If I'm reading the tea leaves correctly, I think the execution will be postponed indefinitely."

## **THE SCENE**

Friday evening, news media from New York to Boston converged on a heavily fortified Robinson Correctional Institution in anticipation of the scheduled execution Saturday morning.

Orange traffic cones and idling state and local police cruisers lined Route 220 leading to the Somers prison complex.

Other cruisers blocked access to the road leading to Osborn Correctional Institution, which houses the state's only death chamber.

Inside Robinson, a medium security prison, the visitor's room was converted into a media staging area, crowded with reporters working on cell phones, laptops and audio/video equipment.

Staging areas for demonstrators — one for opponents, another for supporters — were set up about a mile downhill from Osborn.

Opponents mostly huddled in idling cars, while others braved single-digit temperatures to speak with reporters. The supporters' lot had just one couple there.

Deanise and Jim Shewokis, of Somers, both self-described death penalty supporters, said Ross earned his penalty and deserves to die.

"The guy wants to die, he realizes what he did, and is ready to pay for his sins," said Deanise Shewokis, who sported a custom T-shirt with the words, "Your Final Shot to Fame" printed next to a syringe.

Jim Shewokis called the death penalty an unfortunate necessity.

"The death penalty is not a pretty thing, but it's appropriate in certain cases and this is one," he said.

In the opposition lot, Bonnie Serginese of Enfield huddled inside her black Toyota Camry with her mother, Dolores Shover, also of Enfield, and her baby sitter, 17-year-old Andrea Loalbo of Stafford Springs. Candles burned on the car's hood.

Mother and daughter said they came because Loalbo hasn't decided how she feels about the death penalty. "It's a tough call," said Loalbo, a senior at Stafford High School.

"In a way he deserves it, but it's not the right thing to do." But Serginese and Shover are decided.

"How do you teach your children that something is wrong when it's all over the news media," Serginese said. "It's not up to us to make the decision of life and death."

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# The Day

## Ross' Lawyer Finds Himself In A Dilemma

Paulding's „Conflict' Leaves Killer's Future Hanging In The Balance

By [IZASKUN E. LARRANETA](#)

*Day Staff Writer, Courts/Social Services*

& [KENTON ROBINSON](#)

Published on 1/30/2005

Now the focus is all on T.R. Paulding.

The lawyer who has spent the past three months doggedly fighting to have his client killed finds himself thrust between two fires.

And whether serial killer Michael Ross lives or dies at 9 o'clock tomorrow night could very well hinge on which way Paulding turns.

If he goes one way, he must resign as Ross' attorney or admit to doubts about Ross' competency, bringing the execution to a halt.

If he goes the other, he must stand by his client to the end, asserting Ross' competence at the risk of ending his legal career and losing his livelihood.

Should he carry out his client's wishes, a federal judge has threatened to strip him of his license to practice law.

This is the “conflict of interest” Paulding referred to but would not explain early Saturday morning when he announced he had asked the state to postpone the execution.

State Attorney General Richard Blumenthal said Saturday the state is still planning to go forward with the execution at 9 p.m. Monday, “and we're prepared to defend against any



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Sean D. Elliot

*T.R. Paulding, attorney for convicted serial killer Michael Ross, right, and Chief State Attorney Christopher Morano, left, take the podium to announce that the execution of Ross will be postponed Fri. night Jan. 28, 2005 due to a conflict of interest on Paulding's part. The execution was rescheduled for Mon. night Jan. 31, 2005 at 9 p.m..*



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Sean D. Elliot

*T.R. Paulding, Michael Ross' attorney, announces the postponement of Ross' execution just over an hour before it was scheduled to be carried out early Saturday morning. With him are, from left, Chief State's Attorney Christopher Morano, Correction Commissioner Theresa C. Lantz and Attorney General Richard Blumenthal.*

motions or petitions designed to delay it.”

But, Blumenthal conceded, the execution cannot go forward if Ross does not have a lawyer.

...

That's not the only thing that could delay the execution.

U.S. District Court Judge Robert N. Chatigny in Hartford has made it clear that he is open to any motions that might lead to more examination of Michael Ross' state of mind. The possibility of further filings exists when court opens on Monday morning.

Chatigny tried to stop the execution of Ross twice in the past week, first by issuing a stay, which was lifted by the U.S. Supreme Court, and then by issuing a restraining order, which was overturned by the 2nd U.S. Circuit Court of Appeals.

At 3 p.m. Friday Chatigny played yet another card from his hand: T.R. Paulding.

Eleven hours away from the execution slated for 2:01 a.m., Chatigny set up a conference call with Paulding, lawyers representing the state's public defenders' office, the attorney general's office, the chief state's attorney's office and Dan Ross, Michael's father.

But the call had but one subject: Paulding's failure, in the eyes of Chatigny, to exercise due diligence to make certain his client is truly competent to forgo any further appeals of his sentence of death.

It was that 55-minute teleconference that brought the state's machinery of death to a halt at 12:45 Saturday morning.

...

Paulding would not respond to calls for comment Saturday. His wife answered the phone at his house and said he wasn't taking calls except from Ross.

A transcript of the teleconference and comments from sources familiar with the case make it clear that Paulding has been placed in a difficult position.

Chatigny cited a letter he had received from an inmate identifying himself as Ramon Lopez, who alleged that Ross “may have been brainwashed” by prison officials to seek his death.

Also, Chatigny referred to comments from a former deputy commissioner of programs at the state Department of Correction that conditions in the prison “were a substantial factor in Ross' decision” to submit to execution.

“We're not in this profession to help people get killed,” Chatigny told Paulding. “It's

wrong. What you're doing is wrong ... What you are doing is terribly, terribly wrong.

“So I warn you, Mr. Paulding ... you better be prepared to live with yourself for the rest of your life. And you better be prepared to deal with me. If in the wake of this an investigation is conducted and it turns out that what Lopez says and what this former program director says is true ... I'll have your law license.”

Paulding defended himself by saying he has known Ross for a decade.

“I don't know whether I don't see the whole Michael Ross,” he said, “but I can tell you I've seen an awful lot of him.”

...

Chatigny has repeatedly criticized the state courts for refusing to consider evidence that might show Ross incapable of making a rational decision.

Proposed testimony submitted by Dr. Stuart Grassian, a psychiatrist who has made a career of studying the effects of long confinement on prisoners, suggests that Ross could be suffering a syndrome common among prisoners on death row, in which they have psychiatric problems including hallucinations, paranoia, obsessive thoughts, anxiety and panic attacks, and a sense of a loss of control.

Inmates will often “volunteer” for execution because of a “desperate need to regain control,” Grassian said.

“There is abundant literature,” Chatigny said in the teleconference, “that gives great weight to the notion that a person who is in that setting can lose his ability to make a knowing, intelligent and voluntary choice.”

New London Superior Court Judge Patrick Clifford ruled Ross competent after an evaluation by court-appointed psychiatrist Michael Norko. Chatigny criticized Paulding for relying on that evaluation, even after Norko has admitted he does not have the expertise to answer questions Grassian has raised about Ross' mental state.

If Ross is executed without disposing of those nagging questions, Chatigny said, the consequences for Paulding would be severe.

“I think now that the can of worms has been opened, it is not going to be closed,” Chatigny said. “This is going to get very messy. ... And if Michael Ross is dead, oh, boy, it's not going to be nice for anybody ... And you're the man. You are the man.”

...

Whether or not Chatigny could pull Paulding's law license, legal sources agreed Saturday that a federal judge with a lifetime appointment can make the practice of law very difficult for any lawyer who crosses him.

But several people applauded Chatigny's action Saturday.

**Michael Fitzpatrick, a private attorney** from Bridgeport who represented Ross from 1992 to 2004, when Ross fired him and the public defenders, said that after 12 years of speaking and meeting with Ross he has no doubt that Ross is incompetent and using his execution to commit suicide.

“He suffers from six separate mental illnesses. Add to that he has been incarcerated for 20 years, 17 of which he was on death row. There's no way he can be a rational thinker. This guy has been entombed for at least six years in the bottom of a concrete building at Northern (Correctional Institution). The whole point of Northern is to punish people,” said **Fitzpatrick, who is also president of the Connecticut Criminal Defense Lawyers' Association.**

Since Ross has not been executed, Fitzpatrick said that Chatigny still has jurisdiction in the pending matters before him involving Ross' competency.

Because state court judges do not have the same job security as federal judges, Fitzpatrick said, “There is enormous pressure on the criminal justice system to get the job done.

“The public is in an uproar that it has taken 20 years to get to this point. No one wants to think about another one, five, 10 years of litigation. No state court judge wants to conduct a competency hearing. There is pressure to bring Ross' case to a conclusion.”

He said that Chatigny is willing to take a hard look at Ross' competency because he is not being pressured by outside forces.

...

Chief Public Defender Gerard Smyth said he was encouraged that the execution was postponed until Monday. His office, he added, is now waiting to see what Paulding's next move will be.

“Judge Chatigny got T.R.'s attention,” said Smyth. “There is more to representing a death-row inmate than doing what your client wants to do. It's important to point that out to him. I think T.R. is responding appropriately.”

Antonio Ponvert III, Dan Ross' attorney, said he thinks the state has no other choice than to delay the execution until questions surrounding Ross' competency are resolved.

“I think Blumenthal now recognizes that he and other officials of the state relied upon representations of Mr. Paulding when, in fact, they were unreliable,” said Ponvert. “He has not done a sufficient job on behalf of his client on the competency issue.”

Blumenthal disagreed.

“The courts found there was no meaningful evidence of incompetence,” Blumenthal said.

“Four courts reached that conclusion. So Michael Ross is competent.”

The execution is slated to go forward, but “between now and then we need assurance that Michael Ross is represented by counsel, because he cannot be executed unless he has a lawyer,” Blumenthal said.

Paulding cannot withdraw from the case unless he is permitted to do so by a judge, he said, or Michael Ross could fire him without a judge's approval.

In the event either happens, a new execution date would have to be set, Blumenthal said, from 30 days to six months away.

...

Michael Meltsner, a professor at Northeastern University School of Law and author of “Cruel and Unusual: The Supreme Court and Capital Punishment,” has followed the Ross case from Massachusetts and said of Chatigny: “Regardless of your view of the death penalty, the citizens of Connecticut should be very proud they have a judge who has taken a stand.”

Chatigny, he said, has acted within his jurisdiction but has done what few others in his position would do.

“Many would take a pass, because the higher courts have turned aside any opportunities to stay the execution,” Meltsner said. “They've turned enough aside that the world would decide, ‘Well (the lower court judge) couldn't have done anything about it.’ But he could. He did. He's acting to maintain the integrity of the legal process.

“This is a judge who is on a quest to make sure there is no injustice or unethical behavior here. With life in the balance, one has to admire that.

“He's not playing politics here. And in my judgment, that's not what the Supreme Court did. When they vacated the stay, they acted without a full hearing of what was going on in the state of Connecticut. That, in my mind, does not speak well of the judicial process, especially when it comes to a life-and-death situation.”

In 1972, in a landmark case, Meltsner successfully argued before the U.S. Supreme Court the death penalty constitutes cruel and unusual punishment. That ruling was overturned in 1976. ■

# Three Views On Chatigny's Challenge

January 30 2005

The Hartford Courant

Michael Ross' execution was postponed at about 12:45 a.m. Saturday after his lawyer, T.R. Paulding, disclosed that he had encountered a "potential conflict of interest" that could block his continuing involvement in the case. Paulding's announcement followed an extraordinary conversation in which Chief U.S. District Judge Robert N. Chatigny strongly challenged Paulding on whether he had made a vigorous investigation of Ross' mental capacity to agree to execution. Chatigny based his challenge on two new pieces of evidence - a letter, reputedly written by a prison inmate named Ramon A. Lopez, and an affidavit obtained by defense lawyer Hubert J. Santos.

Three prominent lawyers had sharply differing views of Chatigny's actions:

Ralph G. Elliot

Nationally recognized expert on legal ethics

"One thing this emphasizes is the value, the excruciatingly important value, we in Western civilization place upon human life. Here is a judge who is confronted with two pieces of evidence that nobody else had. We don't know how strong the evidence is or how weak the evidence is. But there is evidence that indicates that the decision to allow one's own life to be taken may not have been a knowing, willing, voluntary decision, but one influenced by factors which the law really hasn't considered.

"What does a judge do in a situation like that? Can a judge ignore that without taking this one last step to ensure those factors are taken into consideration before allowing this man to die?

"That of course implicates the intersection between the duty of a lawyer to do what his client wants done, if that is legal and moral, on the one hand, and the duty of a judge to ensure that justice is done, even if it appears unjust to the defendant who wants a result or is ready to accept a result.

"It is the most fascinating issue of the duty of a judge, the duty of a lawyer and the imperatives of justice that I have ever seen.

"I feel for Mr. Paulding and I completely understand what the judge is doing. In the face

of the Lopez letter, in the face of an affidavit procured by someone of the quality and integrity of Hubert Santos, I think the judge had no other recourse than to at least cause this stay and the rethinking of what's happening.

"And I feel for Judge Chatigny. I don't know that he had any choice but to make this last-ditch attempt to ensure as best he could that the right decision is being made and that this man really is competent to do what he is doing and that all steps have been taken.

"This is what lawyers should do. It is lawyers acting in the highest and best traditions of a free and independent and vigorous bar. I am just terribly impressed."

Norm Pattis

Defense attorney and legal affairs columnist

Pattis accused Chatigny of overstepping his authority.

"He without doubt crossed the line.

"It's shocking and deeply disturbing. Even though I approve of the end result [blocking an execution], I don't agree with how we got there.

"I don't want to live in a world where judges take control over cases and issue those sorts of threats. Judge Chatigny is out of control."

**Michael Fitzpatrick**

**President of the Connecticut Criminal Defense Lawyers Association**

Fitzpatrick said Chatigny's long lecture to Paulding was harsh and even threatening at times. But he said the drama of the moment - the hours leading to an execution - required strong and unequivocal communication.

"I think [Chatigny's] concerns are well-founded. Some might take issue with his delivery. But I think in a case where a person's life hangs in the balance, that's no time to mince words. I don't have a problem with Judge Chatigny being as forceful and direct as he was."

Fitzpatrick said the most alarming part of the conversation - what appears to be a threat by Chatigny to seek the revocation of Paulding's law license - concerned the diligence with which Paulding had investigated claims that Ross lacked the mental competence to agree to his execution.

"It did not hinge on the execution itself."

- Edmund H. Mahony

To read the transcript of Judge Chatigny's discussion, visit [ctnow.com](http://ctnow.com).

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# For serial killer who hopes to die, another hurdle - from his own attorney

Associated Press

January 29 2005

SOMERS, Conn. -- Serial killer Michael Ross has tried for 10 years to speed his own death.

On Saturday, little more than an hour before his scheduled execution, Ross' own attorney caused another delay, saying he needed time to examine his own potential conflict of interest.

Now attorney T.R. Paulding's relationship with his client - and the ethics involved in helping him die - are under close scrutiny. Ross hired Paulding last year to help him expedite his own execution, which would be the first in New England in 45 years.

"It's a good example of where the adversarial system breaks down," said Stephen Bright, a Yale law professor and director of the Southern Center for Human Rights based in Atlanta.

"When you have this sort of collusion, and the state's interest and his interests of Ross, as he sees them, are the same, there's nobody to tell the court, 'Wait a minute, maybe this isn't in his best interests,'" Bright said.

Paulding is a death penalty opponent. And while he has insisted Ross is competent to make decisions about his punishment, he has also acknowledged that's because Ross is on medication to control his psychological problems.

Paulding did not elaborate on the possible conflict of interest, but noted that his client did not ask for the delay. The request came just hours after a federal judge threatened to take Paulding's law license for ignoring evidence that Ross' motives were not as they seemed.

The execution was rescheduled for 9 p.m. Monday.

Ross said he wants to die to end the anguish of his victims' families. But U.S. District Judge Robert Chatigny said another inmate and a retired deputy warden have indicated that the deplorable death row conditions may have played a significant role in Ross' decision, according to an appeal filed by Ross' father. The Supreme Court denied the appeal Friday.

"I see this happening and I can't live with it myself," Chatigny said in a telephone conference with Paulding, according to court records. "What you are doing is terribly, terribly wrong."

Chatigny warned that Paulding could lose his law license if the new information proved true, and warned the lawyer that he should be "prepared to deal with me," according to the records.

Chief State's Attorney Christopher Morano said the claims from the warden and the inmate had already been proven false.

**Michael Fitzpatrick, one of Ross' former attorneys and the head of the Connecticut Criminal Defense Lawyers Association**, said Chatigny's actions are sound.

"What he's saying is that you've got an ethical duty to investigate his mental health issues, his competency, the voluntariness of his waiver, and you've also got an ethical duty to bring to light any information you have on those issues," Fitzpatrick said Saturday. You have an obligation to run these things down to ensure that your position is well-founded."

Paulding has defended his job of assisting Ross, a 45-year-old Ivy League graduate who confessed to eight murders in eastern Connecticut and New York in the early 1980s.

"I just thought it was the right thing to do, to give him a voice in court and give him a voice throughout," Paulding said in an interview with The Associated Press.

Paulding said his primary job is to advocate for his client, even if Ross' wish is unorthodox.

Defense attorney Hugh Keefe agrees: "You should do what a client wants, period. That's what you're paid for."

Paulding first had contact with Ross 10 years ago, when he agreed to step in as standby counsel when the serial killer's attorneys withdrew. Ross' death sentence had been overturned and Ross decided he wanted to agree to a second death sentence.

A judge decided that Ross could not determine his own punishment, and a jury again sentenced Ross to die.

Ross called on Paulding again last year after he and decided to forgo all appeals of his punishment and fired his public defenders.

Paulding said he did not take the decision to represent Paulding lightly.

"I felt that he had made a rational decision, and I felt that he deserved and needed someone who would be his voice," Paulding said.

He has since helped convince courts that Ross is mentally competent and fought off attempts by the state's public defenders, Ross' own father and others to stop the execution.

Paulding has said he believes Ross is sincere in wanting to end the suffering of his victims' families. He said Ross is taking medication for mental illness and is much different from the man the families know.

Paulding's advocacy and assurances that Ross is competent were the most weighty factor in the courts' decisions to declare Ross competent and to dismiss appeals, Fitzpatrick said.

"He's been publicly declaring for two months that he's absolutely certain that Michael Ross is competent. He's been telling every judge and the public that any lawyers trying to advance the theory that Ross is not are disingenuous. For Paulding, at the 11th hour to stand up and say, 'I may have some doubts,' is going to subject him to enormous criticism."

That's little comfort to family members of his victims, who said they were shocked by the latest delay of Ross' execution.

"He's guilty. He wants to die. So if he isn't executed, whom would you execute?" said Lan Manh Tu, whose sister, Dzung Ngoc Tu, was Ross' first known victim.

The state must execute Ross by 11:59 p.m. Monday or its death warrant expires. That would force officials to go back before a judge and ask for a new one.

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Associated Press reporter John Christoffersen in New Haven contributed to this report.

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# More Scrambling On Ross Case

## State Supreme Court Meets To Hear Missionary Society's Arguments

By LYNNE TUOHY  
COURANT STAFF WRITER

January 23 2005

On a freezing morning as the state braced for a blizzard, the Supreme Court held a historic Saturday session to address significant questions in the storm of litigation over whether serial killer Michael Ross should be executed Wednesday.

Can Ross be put to death in the absence of written regulations governing hearings to commute a death sentence to life in prison, and does the Missionary Society of Connecticut have standing to raise that issue?

A flurry of legal options filed on Ross' behalf, but against his will, has failed in the past month because he has been deemed mentally competent to forgo his available appeals and "volunteer" to be executed.

The Missionary Society's suit was not brought on Ross' behalf. It is based on the society's long-standing opposition to the death penalty and is being argued on behalf of the public. But it could meet the same fate as previous appeals. The society is demanding a commutation hearing and challenging the absence of regulations; however, the organization can't show that it suffers directly from either circumstance.

"At a minute before 2 a.m. on Jan. 26, if Mr. Ross indicates he wants to submit an application for commutation ... or file a habeas petition, the machinery of death will stop," Attorney General Richard Blumenthal argued to the court. "It is not the Board of Pardons and Paroles that is killing Mr. Ross. His execution will result from a lawful conviction and sentence."

Attorney James Wade, representing the Missionary Society, made an impassioned plea that democracy itself will suffer if the proper procedures are not in place to usher, or halt, Ross' execution.

"I don't love Michael Ross but I love my government," Wade argued. "To me, this is so important. Just give us a chance to put the machinery of our government in motion. There is nothing magic about Jan. 26."

The panel of seven judges peppered the lawyers with questions and adjourned to deliberate, with no ruling expected before Monday.

It is clear from rulings earlier this month that this Supreme Court panel has placed great importance on standing - especially in light of a lower court ruling Dec. 28 that Ross is mentally competent to appreciate the appeals still available to him and make an intelligent and voluntary decision not to initiate them.

**Attorney Michael Fitzpatrick, president of the Connecticut Criminal Defense Lawyers Association**, which filed a friend-of-the-court brief on behalf of the Missionary Society's position, said he was incredulous that Blumenthal would argue that no written policies are needed.

"It's appalling that the attorney general, as representative of the citizens of Connecticut, would take the position that regulations designed to determine whether someone should live or die are not necessary."

Meanwhile, the state's public defenders are preparing for a hearing Monday in U.S. District Court in Hartford that could derail the execution, in the event of an appeal to the U.S. Court of Appeals for the 2nd Circuit.

The public defenders have felt their best chance of halting the execution of their former client lies in the federal courts, and specifically the 2nd Circuit, which has never passed judgment on the constitutionality of Connecticut's death penalty scheme. The appeals court has not had an occasion to do so since the U.S. Supreme Court permitted the resumption of executions in 1976. The federal appellate judges in New York - removed from the emotionally charged landscape in Connecticut - may find it more palatable to issue a stay of the execution.

This is the potential legal challenge that Ross himself, who is thoroughly versed on death penalty case law, fears most.

Chief U.S. District Judge Robert D. Chatigny has told Chief Public Defender Gerard Smyth to be prepared to call witnesses to support his claim that Ross is mentally incompetent, despite all other rulings and assertions to the contrary. But Chatigny first will deal with the motion by state prosecutors to dismiss the action because the public defenders have no standing to bring it. U.S. District Judge Christopher F. Droney Jan. 10 dismissed a challenge to the lethal injection process filed on behalf of Ross' father - Dan Ross - because he deemed Ross was mentally competent to make his own decisions and no one should be permitted to intervene in a contrary manner.

"We're down to two court days before the scheduled execution," Smyth said Saturday. "Everything's riding on Monday as far as our actions are concerned."

Even an adverse ruling by Chatigny on Monday could be appealed to the 2nd Circuit on

Tuesday. The 2nd Circuit also makes provisions for late filings.

Ross' attorney, T.R. Paulding, acknowledged that Ross has been concerned for quite a while that those acting in opposition to his stated wishes to be executed will reach the 2nd Circuit.

"This has been his concern right along," Paulding said.

Paulding also said the swirl of litigation has been unsettling to Ross, at a time when he is "trying to prepare himself mentally and emotionally" for his execution. There is the added concern that Ross - who is booked solid with visits in the last days of his life - will have to sit through another federal court hearing via a closed-circuit television connection.

"In his mind it's, 'How many times do I have to do this?'" Paulding said.

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# If Ross' lawyer wins, his client dies

Associated Press

January 22 2005

NEW LONDON, Conn. -- If attorney T.R. Paulding Jr. is successful in court, his client will be executed on Wednesday morning.

Paulding is Michael Ross' lawyer.

Ross, 45, has admitted killing eight women in Connecticut and New York during the 1980s and raping most of his victims. He is on death row for the murders of four young women in eastern Connecticut. His scheduled execution would be the first in New England since 1960.

Ross fired his public defenders last year when he decided to forgo further appeals of his death sentence, and asked Paulding to represent him.

"I just thought it was the right thing to do, to give him a voice in court and give him a voice throughout," Paulding said.

Since taking the job, Paulding has gotten a judge to set an execution date, helped convince courts that Ross is mentally competent and fought off attempts by the state's public defenders, Ross' own father and others to stop the execution.

It's not a job the unassuming criminal defense attorney sought.

Paulding, 49, is personally opposed to the death penalty. The former prosecutor and public defender graduated from Notre Dame in 1977, received a law degree from the University of Connecticut and was admitted to the Connecticut Bar in 1981. He has prosecuted thousands of cases and represented hundreds of criminal defendants - from a Newington man who killed his brother-in-law with a nail gun to a Granby man who was accused of abducting a neighbor's cat.

He has known Ross for about 10 years. A series of coincidences brought the two together.

In 1995, Paulding was handling cases at the New London courthouse when Ross and then-New London State's Attorney C. Robert Satti Sr. came to Superior Court Judge Joseph J. Purtill with a proposition. The state Supreme Court had just overturned Ross' death sentence and a second sentencing hearing was looming. Ross had decided he didn't want to go through it again and agreed to stipulate to a death sentence.

Ross' public defenders stepped aside, saying it would be conflict to help Ross enter such a stipulation.

So, Judge Purtill began looking for an attorney who could act as standby counsel to Ross. Paulding agreed.

Eventually, a judge decided that a stipulated agreement would not be legal, and the penalty hearing was held. A jury again sentenced Ross to die.

Last February, anticipating that the Supreme Court would uphold his second death sentence, Ross wrote Paulding a letter, explaining that he didn't want to put his victims' families through any more appeals and asking for his help. In May, the Supreme Court issued its ruling, and as Ross predicted, upheld the death sentence.

Paulding said he thought it over for a long time, but eventually agreed to become Ross' lawyer. "I felt that he had made a rational decision, and I felt that he deserved and needed someone who would be his voice," he said.

Paulding said he believes Ross is sincere in wanting to end the suffering of his victims' families, and acknowledged that he feels sympathy for the serial killer.

"I have known him for 10 years while under the medication which treats his mental illness and I see a much different Michael Ross than existed in 1983 or 1984. So I have a lot of sympathy for him, but that is very difficult to translate to the public at large or to the victims' families," he said.

Paulding's involvement in the case has led to some criticism.

**Michael Fitzpatrick, one of Ross' former lawyers and now the head of the Connecticut Criminal Defense Lawyers Association**, said defense lawyers shouldn't help people expedite their own executions.

"If you are representing a client for the sole purpose of helping that client proceed to execution, then you are not really a criminal defense attorney," he said. "It's not unethical conduct, but it's conduct that would be fundamentally at odds with the position of virtually every criminal defense organization in the U.S., which is that the death penalty should be abolished."

But Paulding said his primary job is not to support a mission statement; his job is to advocate for his client.

Prominent New Haven defense attorney Hugh Keefe agrees.

"I think it's a mistake for anyone to criticize another lawyer, including T.R. in this case. "You should do what a client wants, period. That's what you're paid for."

But Paulding said he won't view Ross' execution as a professional success.

"What is most important is did I do my proper duty to Michael Ross, and if I look back and see that I did what was ethical and just and fair, than I can look back and say it was the correct thing to do."

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