

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	MARCH 11, 2008
Respondent.	:	

**JOINT MOTION FOR EXTENSION OF
TIME TO COMPLY WITH COURT'S ORDER**

Pursuant to Rule 7(b) of the Local Rules of Civil Procedure for the District of Connecticut, the petitioner and the respondent, by and through their respective counsel, hereby request an extension of time of thirty days, or until **April 30, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the first request for an extension of time by either party with respect to the court's order to file motions for summary judgment.

The grounds for this motion are as follows:

1. After trial by jury in the Superior Court for the Judicial District of Fairfield, the petitioner was convicted of murder, in violation of General Statutes § 53a-54a. On August 29, 2002, the trial court, *Kavanewsky, J.*, sentenced the petitioner to imprisonment for a term of twenty years to life. The petitioner appealed to the Connecticut Supreme Court, which affirmed his conviction on January 24, 2006. *State v. Skakel*, 276 Conn. 633, 888 A.2d 985 (2006). The petitioner filed a petition for certification to the United States Supreme Court which was denied on November 13, 2006. *Skakel v. Connecticut*, ___ U.S. ___, 127 S.Ct. 578, 166 L.Ed.2d 428 (2006).

2. On August 25, 2005, the petitioner filed a petition for a new trial, pursuant to General Statutes § 52-270, in the Superior Court for the Judicial District of Fairfield. The trial court, *Karazin, J.*, denied the petitioner's petition for a new trial on October 25, 2007. Skakel v. State, CV05-0006524-S, Judicial District of Fairfield.

3. The petitioner filed his application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on November 5, 2007. On November 8, 2007, this court issued an order to show cause that directed the respondent to file a response by November 30, 2007.

4. On November 29, 2007, the respondent filed a motion for extension of time seeking permission to file his answer to the petitioner's habeas corpus petition by December 21, 2007. On November 30, 2007, this court granted the respondent's motion. On December 21, 2008, the respondent filed his answer.

5. On March 5, 2008, this court ordered the petitioner and the respondent to file cross-motions for summary judgment by March 31, 2008.

6. Counsel for the petitioner are preparing the brief in Skakel v. State of Connecticut, A.C. 29363 which is the appeal of the state trial court's ruling denying the petitioner's motion for new trial. The petitioner's brief in that matter currently is due March 17, 2008, although counsel may request a one-week extension. Additionally, counsel for the petitioner are on trial in state court on the complex litigation docket in a civil proceeding that arises from the City of Bridgeport corruption charges involving former Mayor Ganim, Bridgeport Harbour Place I, LLC v. Joseph P. Ganim, et al., Docket No. UWY-CV-04-0184523S (X06). The evidence in that case began on March 4, 2008 and is estimated to continue into May. Nevertheless, counsel for the petitioner will be able to work on the

motion for summary judgment in this case at the same time, but counsel require additional time in order to meet all of their obligations.

7. Counsel for the respondent is currently engaged in preparing the respondent's brief in Nathaniel Carmona v. Commissioner of Correction, A.C. 29394, an expedited appeal pending before the Connecticut Appellate Court. The respondent's brief in Carmona is due on March 18, 2008. Counsel for the respondent also represents the respondent-commissioner in Bernale Bryant v. Commissioner of Correction, S.C. 17896, a case pending before the Connecticut Supreme Court. Counsel for the respondent expects that oral argument in Bryant will be scheduled in the April term of the court. Counsel for the respondent, who is a member of the U.S. Army Reserve, has been informed that he will be required to report to his unit at Offutt Air Force Base, Nebraska, for mandatory training from April 17 to April 19, 2008.

8. Counsel for the respondent will be able to begin work on his motion for summary judgment in this case after filing his brief in Carmona v. Commissioner of Correction. Given his other responsibilities, counsel for the respondent believes that it will take him approximately six weeks after filing the brief in Carmona to complete his motion for summary judgment in this case.

WHEREFORE, the petitioner and the respondent jointly move this court for an extension of time of thirty days, or until **April 30, 2008**, to file their cross-motions for summary judgment in this case.

Respectfully submitted,

MICHAEL C. SKAKEL

WARDEN PETER J. MURPHY

PETITIONER

RESPONDENT

By: /s/ Hope C. Seeley
HOPE C. SEELEY
Santos & Seeley, P.C.
51 Russ Street
Hartford, Connecticut 06106
Tel. No. (860) 249-6548
Fax No. (860) 724-5533
E-mail: hseeley@santos-seeley.net
Federal Bar No. ct 04863

By: /s/ Michael E. O'Hare
MICHAEL E. O'HARE
Supervisory Assistant State's Attorney
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, Connecticut 06067
Tel. No. (860) 258-5887
Fax No. (860) 258-5968
E-mail: michael.ohare@po.state.ct.us
Federal Bar No. ct 05318