

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
	:	
v.	:	
	:	
PETER J. MURPHY,	:	MAY 27, 2008
Respondent.	:	

**THIRD 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 **June 30, 2008**, to file their cross motions for summary judgment in compliance with the court’s order dated March 5, 2008. This is the third request for an extension of time by the parties 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 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. On March 11, 2008, the parties filed the first joint motion for an extension of time to file cross-motions for summary judgment by April 30, 2008, which was granted by this Court on March 12, 2008.

7. On April 15, 2008, the parties the second joint motion for an extension of time to file cross-motions for summary judgment by May 30, 2008, which was granted by this Court on April 21, 2008.

8. Counsel for the petitioner continue to be 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 the jury began deliberating this past Friday, May 23, 2008. Additionally, counsel has been attending to other matters, including resolving a federal criminal case just before jury selection (United States v. DelCastillo, Crim. No. 3:06CR332 (RNC)) Therefore, counsel for the petitioner require additional time in order to meet all of their obligations.

9. In addition to representing the respondent in this case, counsel for the respondent represents the respondent-commissioner in In re Claims of Racial Disparity, Case No. CV05-4000632-S, a state habeas corpus case in which prisoners on death row in Connecticut are challenging the constitutionality of the manner in which the death penalty is imposed this state. Counsel for the respondent has been engaged in investigating the petitioner's factual claims, reseaching the legal issues presented by the case and participating in the discovery process and conducting a depositions of the petitioners' expert witness. As the supervisor of the Civil Litigation Bureau, counsel for the respondent has assisted other attorneys in the bureau to prepare for oral argument in Appellate Court in State v. Cheval Smith, A.C. 27762 and State v. Lenardo Montoya, A.C. 28164. In addition, after conducting interviews of numerous applicants, counsel for the respondent was required to select candidates for consideration by the Criminal Justice Commission for appointment as prosecutors.

10. Counsel for the respondent, who is a member of the U.S. Army Reserve, reported to his unit at Offutt Air Force Base, Nebraska, for mandatory training from May 5 to May 14, 2008. Counsel for the respondent will be required to participate in additional training in Washington, D.C. from June 17 to June 19, 2008. Because of the time required to meet his other responsibilities, counsel for the respondent believes that it will take him approximately ten days after his return from training on June 20, 2008, to complete the respondent's 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 **June 30, 2008**, to file their cross-motions for summary judgment in this case.

Respectfully submitted,

MICHAEL C. SKAKEL

WARDEN PETER J. MURPHY

PETITIONER

RESPONDENT

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