

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	JUNE 23, 2008
Respondent.	:	

**FOURTH 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 **July 30, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the fourth 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 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. 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. On May 27, 2008, the parties filed the third joint motion for an extension of time to file cross-motions for summary judgment by June 30, 2008, which was granted by this Court on May 29, 2008.

9. Counsel for the petitioner has now completed the 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). Jury selection in that case began in February, the evidence in March and the verdict was returned in early June. Additionally, counsel has been attending to other matters, including resolving several federal criminal cases before jury selection. Therefore, counsel for the petitioner require additional time in order to meet all of their obligations.

10. 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 reviewing the reports of the petitioners' expert witness, conducting depositions of the petitioners' expert, consulting with the state's expert and researching issues pertaining to discovery in the case. As the supervisor of the Civil Litigation Bureau, counsel for the respondent has assisted other attorneys in the bureau to preparing briefs to the Connecticut Appellate Court in Omar Zabian v. Commissioner of Correction, A.C. 27762, and Maurice Billie v. Commissioner of Correction, A.C. 28164, and to the United States Court of Appeals for the Second Circuit in Jose Quintana v. John Armstrong, Case No. 04-0560-pr.

11. Counsel for the respondent, who is a member of the U.S. Army Reserve, will be required to report his unit at Offutt Air Force Base, Nebraska, for mandatory training from July 14, 2008 to July 18, 2008. Because of the time required to meet his other

responsibilities, counsel for the respondent believes that it will take him until July 30, 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 **July 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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