

**UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT**

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

**FIFTH 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 **August 29, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the fifth 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. On June 23, 2008, the parties filed the fourth joint motion for an extension of time to file cross-motions for summary judgment by August 30, 2008, which was granted by this Court on June 24, 2008.

10. Counsel for the petitioner is two-thirds of the way done with drafting the legal argument for the motion for summary judgment in this matter. However, additional time is needed to complete the motion, taking into account the number of federal matters that are being resolved in the next few weeks (guilty pleas and sentencing hearings) as well as additional obligations in the state court.

11. 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, Judicial District of Tolland, 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 reviewing the deposition testimony of the petitioners' expert witness, consulting with the respondent's expert on the information needed for his evaluation of the petitioner's claims and litigating issues relating to discovery. Counsel for the respondent assisted the preparation of a motion to compel compliance with subpoenas served on the petitioners' expert and will present oral argument on that motion on June 23, 2008. As the supervisor of the Civil Litigation Bureau, counsel for the respondent has assisted other attorneys in the bureau in preparing briefs to the Connecticut Appellate Court in Francis Borrelli v. Commissioner of Correction, A.C. 29238 and Omar Zabian v. Commissioner of Correction, A.C. 27762, as well as a motion to dismiss the petitioner's federal habeas corpus petition in Gary Jones v. Theresa Lantz, Case No. 3:07 CV 1040 (MRK).

12. Counsel for the respondent, who is a member of the U.S. Army Reserve, participated in training with his unit at Offutt Air Force Base, Nebraska, from July 14, 2008 to July 18, 2008. Counsel for the respondent is scheduled to be on vacation in Montana from July 31 to August 5, 2008. Because of the time required to meet his other responsibilities, counsel for the respondent believes that it will take him until August 29, 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 **August 29, 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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