

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
	:	
PETER J. MURPHY,	:	SEPTEMBER 9, 2008
Respondent.	:	

**SEVENTH 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 ten days, or until **September 22, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the seventh 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. Between March 11, 2008 and the present, the parties have filed six joint motions for an extension of time to file cross-motions for summary judgment, all of which have been granted by this Court.

7. The cross motions for summary judgment currently are due on September 12, 2008.

8. Counsel for the petitioner has completed a revised draft of the legal argument for the motion for summary judgment in this matter, as well as having complied the lengthy appendix for filing. However, counsel is considering whether to submit all of the arguments, or whether some of the issues should be withdrawn. Moreover, counsel has a federal sentencing this week before Judge Chatigny, as well as preparing for a contested hearing in state juvenile court. Therefore, additional time is needed in this case to make the decision referenced above.

9. Counsel for the respondent has completed approximately eighty per cent of the respondent's motion for summary judgment in this case. However, in addition to representing the respondent in this case, counsel 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 required to devote significant time to the discovery proceedings in that case. Counsel for the respondent assisted the preparation of the commissioner's response to the petitioners' motion for reconsideration of the special master's ruling on the motion to compel compliance with subpoenas served on the petitioners' expert. Counsel will present argument on the petitioners' motion for reconsideration before the special master on September 16, 2008. Because of the time required to meet his other responsibilities, counsel for the respondent believes that it will take him until September 22, 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 ten days, or until **September 22, 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