

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
	:	
PETER J. MURPHY,	:	SEPTEMBER 18, 2008
Respondent.	:	

**EIGHTH 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 eighteen days, or until **October 10, 2008**, to file their cross motions for summary judgment in compliance with the court's order dated March 5, 2008. This is the eighth 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 seven joint motions for an extension of time to file cross-motions for summary judgment, all of which have been granted by the court.

7. The cross motions for summary judgment are currently due on September 22, 2008.

8. Counsel for the petitioner has finalized the legal argument for memorandum in support of the motion for summary judgment in this matter, which is 123 pages in length. However, additional time would be beneficial to compile the lengthy appendix for filing.

9. Counsel for the respondent has completed a substantial portion 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. Unexpected developments in that case which occurred in the past week have prevented counsel for the respondent from completing the respondent's motion for summary judgment as planned. These unexpected developments will require the attention of counsel for several more days over the coming weeks.

10. In addition, counsel for the respondent, who is a member of the U.S. Army Reserve, will be required to perform military duty with his unit at U.S. Strategic Command, Offutt Air force Base, Nebraska, from September 22 to September 26, 2008. Counsel for the respondent anticipates that it will require approximately a week and a half to complete the respondent's motion for summary judgment after counsel returns from military duty. Because of the time required to meet his other responsibilities, counsel for the respondent believes that it will take him until October 10, 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 eighteen days, or until **October 10, 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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