

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL
Petitioner,

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Case No. 3:07 CV 1625 (PCD)

PETER J. MURPHY,
Respondent.

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NOVEMBER 6, 2008

**JOINT MOTION FOR EXTENSION OF TIME TO
RESPOND TO CROSS-MOTIONS FOR SUMMARY JUDGMENT**

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 **December 17, 2008**, to file their responses to the cross-motions for summary judgment filed in compliance with the court's order dated March 5, 2008. This is the first request by the parties for an extension of time to respond to the cross-motions for summary judgment filed in the case.

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 October 8, 2008, the parties filed nine joint motions for an extension of time to file their cross-motions for summary judgment, all of which were granted by the court.

7. The parties filed their cross-motions for summary judgment in compliance with the court's order on October 27, 2008. The current deadline for responding to the cross-motions filed by the parties is November 17, 2008.

8. Counsel for the petitioner requires additional time to fully research the record and case law presented by the respondent in its lengthy submission. Counsel has numerous state and federal court obligations, including federal sentencing memoranda and hearings.

9. In addition to representing the respondent in this case, counsel for the respondent represents the appellant-commissioner in Odilio Gonzalez v. Commissioner of Correction, Appellate Court Case No. 29686, an appeal from the judgment of a state court granting a writ of habeas corpus. Counsel for the respondent is currently engaged in preparing his brief in that case, which is due on November 14, 2008. Counsel for the respondent, who is a member of the United States Army Reserve, will also be required to perform military duties at Offutt Air Force Base, Nebraska, from November 12 to November 18, 2008. Upon his return from military duty, counsel for the respondent will continue to be engaged in the discovery process 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. As a result of his other responsibilities, counsel for the respondent anticipates that it will take him approximately one additional month to complete his response to the motion for summary judgment filed by the petitioner in this case.

WHEREFORE, the petitioner and the respondent jointly move this court for an extension of time of thirty days, or until **December 17, 2008**, to file their responses to the cross-motions for summary judgment filed in this case.

Respectfully submitted,

MICHAEL C. SKAKEL

WARDEN PETER J. MURPHY

PETITIONER

RESPONDENT

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