

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL,	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	JANUARY 16, 2008
Respondent.	:	

MOTION FOR PERMISSION TO FILE BRIEF IN EXCESS OF FORTY PAGES

The respondent hereby moves this court for permission to file a memorandum of law in opposition to the petitioner's motion for summary judgment that exceeds the forty page limit set forth in Local Rule 7(a)2. The respondent seeks to file a memorandum of law that is fifty-four pages in length. In support of this motion, counsel for the respondent states:

1. On June 7, 2002, the petitioner was convicted of murder, in violation of General Statutes § 53a-54a, in the Judicial District of Stamford-Norwalk.

2. On August 29, 2002, the trial court, *Kavanewsky, J.*, sentenced the petitioner to imprisonment for a term of twenty years to life.

3. The petitioner appealed and his conviction was affirmed by the Connecticut Supreme Court on January 24, 2006. State v. Skakel, 276 Conn. 633, 888 A.2d 985, cert. denied, __ U.S. __, 127 S.Ct. 578, 166 L.Ed.2d 428 (2006).

4. On November 5, 2007, the petitioner filed a petition for a writ of habeas corpus in this court pursuant to 28 U.S.C. §2254.

5. On March 5, 2008, this court ordered the petitioner and the respondent to file cross-motions for summary judgment in the case.

6. On October 27, 2008, the petitioner filed a motion for permission to file a one hundred and twenty-eight page memorandum of law in support of his motion for summary judgment. Counsel for the respondent did not object to the petitioner's motion. This court granted the petitioner's request to file the one hundred and twenty-eight page memorandum of law in support of his motion for summary judgment. Thereafter, counsel for the petitioner filed the motion and supporting memorandum on the petitioner's behalf.

7. In order to properly address the issues raised in the petitioner's motion for summary judgment, it was necessary for respondent's counsel to prepare a fifty-four page memorandum of law in opposition. Counsel for the respondent believes that an oversize memorandum of law is necessary in this case because of the length of the record, which must be described in some detail, and the number and complexity of the petitioner's claims.

8. Thorough briefing of the issues by both parties in the case will assist the court in reaching an appropriate disposition of the petitioner's application for federal habeas corpus relief.

9. On January 15, 2009, counsel for the respondent contacted Attorney Hope Seeley, counsel for the petitioner, and informed her that counsel for the respondent intended to seek permission to file an oversize memorandum of law. Attorney Seeley indicated that she had no objection to the respondent's request.

WHEREFORE, the respondent's request for permission to file a fifty-four page memorandum of law in opposition to the petitioner's motion for summary judgment should be granted.

Respectfully submitted,

PETER J. MURPHY, WARDEN
MacDOUGALL-WALKER CORRECTIONAL
INSTITUTION
DEPARTMENT OF CORRECTION
STATE OF CONNECTICUT

RESPONDENT

By: /s/ Michael E. O'Hare
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CERTIFICATION

I hereby certify that a copy of the foregoing document was mailed, first class postage prepaid, to counsel for the petitioner: Attorney Hope C. Seeley, Attorney Hubert J. Santos and Attorney Sandra L. Snaden, Santos and Seeley, P.C., 51 Russ Street, Hartford, Connecticut, 06106, Tel. No. (860) 249-6548, Fax No. (860) 724-5533, on January 16, 2009.

/s/ Michael E. O'Hare
MICHAEL E. O'HARE
Supervisory Assistant State's Attorney