

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

MICHAEL C. SKAKEL	:	
Petitioner,	:	Case No. 3:07 CV 1625 (PCD)
v.	:	
PETER J. MURPHY,	:	SEPTEMBER 2, 2010
Respondent.	:	

**FINAL¹ 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 hereby requests an extension of time within which to comply with the Court's July 27, 2009 order regarding his Motion to Stay. The grounds for this motion are as follows:

1. On January 8, 2009, the Petitioner filed a Motion to Amend his habeas petition, seeking to add claims that had not yet been exhausted in state court (Grounds Six through Twelve). Several of these claims were the subject of a pending case before the Connecticut Supreme Court in the matter of Skakel v. State, Docket No. S.C. 18158 (Grounds Six through Nine). Other claims in the proposed amended petition had not yet been presented to any state court (Grounds Ten through Twelve).
2. On January 8, 2009, the Petitioner also filed a Motion to Stay, seeking a stay of the instant matter in order to afford him time to exhaust the new claims asserted in the amended petition.
3. On July 27, 2009, this Court granted the Petitioner's request to amend his petition to add the unexhausted claims. The Court also granted the Petitioner's Motion

¹ Although the Petitioner's previous Motion for Extension of Time was represented to be the final motion, the Petitioner now finds that twelve (12) additional days are needed in order to complete his filing.

to Stay. In its ruling, the Court stayed the case and ordered that if the Connecticut Supreme Court issued its ruling in Skakel v. State, Docket No. S.C. 18158 upholding the denial of the Petitioner's Motion for New Trial, the Petitioner was required to file an action in the state court to exhaust Grounds Ten through Twelve within thirty (30) days of the Supreme Court's ruling. See Ruling, July 27, 2009 (Doc. # 71). The Petitioner was then to notify the Court ten (10) days after all of the claims alleged in the amended petition had been exhausted.

4. The Connecticut Supreme Court issued its decision in Skakel v. State, Docket No. S.C. 18158, on April 12, 2010, upholding the denial of the Petitioner's Motion for New Trial. Thus, pursuant to the terms of the Court's July 27, 2009 order, the Petitioner was originally required to commence an action in state court by May 12, 2010 to exhaust Grounds Ten through Twelve of his amended petition.

5. The Petitioner filed a Motion for Reconsideration of the Connecticut Supreme Court's ruling in Skakel v. State, Docket No. S.C. 18158 on April 29, 2010.

6. On or about April 23, 2010, the Petitioner requested a thirty (30) day extension of time from the date on which the Connecticut Supreme Court ruled on his Motion for Reconsideration within which to file his state court action. (Doc. # 72).

7. The Court granted the Petitioner's request for an extension of time on April 26, 2010. (Doc. # 73).

8. The Connecticut Supreme Court issued its ruling denying the Petitioner's Motion for Reconsideration on June 15, 2010. Thus, pursuant to this Court's April 26, 2010 ruling (Doc. # 73), the Petitioner's state court action was to be filed by July 15, 2010.

9. The Petitioner requested an extension of time until September 15, 2010, which was granted.

10. The Petitioner now respectfully requests a FINAL extension of time of twelve (12) days, until September 27, 2010, within which to file his state court action.

11. The extension is necessary for the following reasons:

- (a) Undersigned counsel recently finished a lengthy trial in the case of State v. Eddie Perez, Docket Nos. H14H-CR09-0628569-S and HHD-CR09-0635038-T in the Judicial District of Hartford, and are preparing for sentencing (including the preparation of a lengthy sentencing brief) which is scheduled for September 10, 2010;
- (b) Undersigned counsel spent significant time in July preparing for a sentencing hearing in the matter of USA v. Kevin Brush, Case No. 3:10CR00051 (RNC) which took place on July 7, 2010; and
- (c) Undersigned counsel also spent significant time in July preparing for a sentencing hearing in the matter of USA v. David Besaw, Case No. 3:10CR97 (SRU) which took place on July 22, 2010;
- (d) Undersigned counsel had a sentencing hearing scheduled in the matter of USA v. Wunsch, Case No. 3:10cr48 (AWT) on August 24, 2010 and the sentencing memo was due on August 13, 2010; and
- (e) Undersigned counsel are preparing for a murder trial in the matter of State v. Charles Buck, Docket No. KNL-CR09-0301159-T, in the New London Superior Court, that is scheduled to begin on September 7, 2010.

12. Significant progress has been made on the filing but an additional 12 days are needed in order to complete the document.

13. Counsel for the Respondent, Michael O'Hare, has been contacted and does not object to this request.

WHEREFORE, the petitioner moves this Court for a FINAL extension of time of twelve (12) days, until September 27, 2010, within which to commence an action in state court to exhaust Grounds Ten through Twelve of his Amended Petition.

**THE PETITIONER,
MICHAEL C. SKAKEL**

BY /s/
HUBERT J. SANTOS
Federal Bar No. ct00069
Email: hsantos@santos-seeley.net
HOPE C. SEELEY
Federal Bar No. ct 4863
Email: hseeley@santos-seeley.net
SANDRA SNADEN KUWAYE
Federal Bar No. ct 18586
Email: ssnaden@santos-seeley.net
SANTOS & SEELEY, P.C.
51 Russ Street
Hartford, CT 06106
Tel: (860) 249-6548
Fax:(860) 724-5533

CERTIFICATION

I hereby certify that on September 2, 2010, a copy of the foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by email to all parties by operation of the Court's electronic filing system or by mail on anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

Michael O'Hare, Esq.
Office of the Chief State's Attorney
300 Corporate Place
Rocky Hill, CT 06067
Tel. No. (860) 258-5887
Fax No. (860) 258-5968
E-mail: michael.ohare@po.state.ct.us

Susann E. Gill, Esq.
State's Attorney's Office
1061 Main Street
Bridgeport, CT 06604
Tel. No. (203) 579-6506
Fax No. (203) 382-8401
Email: Susann.Gill@po.state.ct.us

/s/

HOPE C. SEELEY