

**NOTICE OF APPEAL PROCEDURES
(HABEAS CORPUS)**

JD-CR-84 Rev. 8-12
C.G.S. §§ 52-259, 52-259b, 52-470
Pr. Bk. Sec. 43-30, 63-1, 63-5, 63-6, 63-7, 63-8, 66-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Judicial District of Tolland at Rockville	Date of decision Oct. 23, 2013	Docket number CV10-4003762
Name of petitioner Michael Skakel	Name of respondent Commissioner of Correction	

- Before you can appeal to the Connecticut Appellate Court from the decision on your habeas corpus petition, you must: **Within 10 days from the date of decision**, file a request with either the judge who decided the case, or if that judge is not available, to the judge of the Superior Court designated by the Chief Court Administrator, to certify that a question is involved in the decision which ought to be reviewed by the Appellate Court. If you want to appeal, you may use the bottom part of this form (*Petition for Certification - Habeas Corpus*) to make your request. (Connecticut General Statutes, Section 52-470).
- Within 20 (twenty) days from the issuance of the notice to you** on the petition for certification ("date notice issued" on the back or page 2 of this form), you have a right to file an appeal with the clerk of this court. (Connecticut Practice Book Sections 63-1, 80-1). The court rule concerning extensions of this 20-day appeal period is printed on the back/page 2 of this form.
- You must pay the entry fee of \$250.00 when you appeal; and the court may order that you give security for costs unless the court says that you do not have to under the next section. (Connecticut Practice Book Section 63-5; Connecticut General Statutes Section 52-259).

- If you want to appeal, but you cannot pay the fees, costs and expenses listed in item 3 or you cannot afford to pay for a lawyer, you have a right, before the 20-day period for appeal stated in item 2 is over, to ask the court to (1) appoint a lawyer for you and (2) allow you to appeal without paying the fees, costs and expenses. Your request must be under oath and state the basis on which you plan to appeal and the facts of your financial situation. You may use the attached form, JD-CR-73, to make this request. (Connecticut Practice Book, Sections 63-6 and 63-7, Connecticut General Statutes, Section 52-259b).

If you ask to not have to pay the fees, costs and expenses, or you ask the court to appoint an attorney for you and the court denies your request, but the judge certifies that a question is involved in the decision which ought to be reviewed by the Appellate Court, you or a lawyer acting for you, must file your appeal and pay the expenses listed in item 3 within 20 days from the issuance of the notice to you that your request for appointment of an attorney or waiver of fees, costs and expenses was denied. (Connecticut Practice Book, Section 63-1).

**PETITION FOR CERTIFICATION
(HABEAS CORPUS)**

JD-CR-84A Rev. 8-12
C.G.S. 52-470, Pr. Bk. 60-1

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Judicial District of Tolland at Rockville	Date of decision Oct. 23, 2013	Docket number CV10-4003762
Name of petitioner Michael Skakel	Name of respondent Commissioner of Correction	

To: Judge Thomas Bishop, who decided case or, if the judge is not available, to the judge of the Superior Court designated by the Chief Court Administrator to certify this matter.

(fill in the name of the trial Judge)

I request a certification that a question is involved in the decision on my habeas corpus petition which ought to be reviewed by the Connecticut Appellate Court. The grounds for my request for certification are;

- written in the Application for Waiver of Fees, Costs and Expenses and Appointment of Counsel on Appeal (Form JD-CR-73), which I am submitting with this petition.

Specify grounds, attach additional sheets if necessary See Attached

NOTICE: This petition must be made within 10 days from the date of decision and sent to the clerk of the Superior Court for the Judicial District named above.

Signed _____
(Petitioner)

(See back/page 2 for certification)

Sec. 66-1. Extension of Time

(a) Except as otherwise provided in these rules, the judge who tried the case may, for good cause shown, extend the time limit provided for filing the appeal, except that such extension shall be of no effect if the time within which the appeal must be taken is set by statute and is a time limit that the legislature intended as a limit on the subject matter jurisdiction of the court to which the appeal is taken. In no event shall the trial judge extend the time for filing the appeal to a date which is more than twenty days from the expiration date of the appeal period. Where a motion for extension of the period of time within which to appeal has been filed at least ten days before expiration of the time limit sought to be extended, the party seeking to appeal shall have no less than ten days from issuance of notice of denial of the motion to file the appeal.

For extensions of time to file a cross appeal, see Section 61-8; to file a petition for certification to the supreme court, see Section 84-7; to file a petition for certification to the appellate court, see Section 81-5.

(b) If an appeal has been filed, the time provided for taking any step necessary to prosecute or to defend the appeal may be extended by the court in which the appeal is pending.

(c) (1) Extensions shall be granted only upon a written motion filed with the clerk of the trial court, in the case of a preappeal motion, and with the appellate clerk, in the case of a postappeal motion. The motion, only an original of which need be filed, should set forth the reason for the requested extension and shall be accompanied by a certification that complies with Section 62-7. An attorney filing such a motion on a client's behalf shall also indicate that a copy of the motion has been mailed to each of his or her clients who are parties to the appeal. The moving party shall also include a statement as to whether the other parties consent or object to the motion. A motion for extension of time to file a brief must

specify the current status of the brief or preparations therefor, indicate the estimated date of completion, and, in criminal cases, state whether the defendant is incarcerated as a result of the proceeding in which the appeal has been taken.

(2) The appellate clerk is authorized to grant or to deny motions for extension of time promptly upon their filing. Motions for extension of time to complete any step necessary to prosecute or to defend the appeal, to move for or to oppose a motion for reconsideration, or to petition for or to oppose a petition for certification will not be granted except for good cause. Claims of good cause shall be raised promptly after the cause arises.

(3) An opposing party who objects to a motion for extension of time filed pursuant to subsection (b) of this section shall file an objection with reasons in support thereof with the appellate clerk within five days from the filing of the motion.

(4) A motion for extension of time shall be filed at least ten days before the expiration of the time limit sought to be extended or, if the cause for such extension arises during the ten day period, as soon as reasonably possible after such cause has arisen. No motion under this rule shall be granted unless it is filed before the time limit sought to be extended by such motion has expired.

(5) Any action by the trial court judge pursuant to subsection (a) of this section or the appellate clerk pursuant to subsection (c) (2) of this section is reviewable pursuant to Section 66-6.

(6) Postappeal motions for extension of time may be filed, signed or verified by electronic means that comply with procedures and technical standards set forth on the judicial branch website. A paper filed by electronic means in compliance with such procedures and standards constitutes a written paper for the purpose of applying these rules. Service and proof of service shall be made pursuant to Sections 10-13, 10-14 and 62-7.

Certification And Notice



- It is certified that a question is involved in the decision on the petition for habeas corpus which ought to be reviewed by the Appellate Court and the Petition for Certification is **granted**.
- The Petition for Certification is **denied**.

By the Court <i>(Print or type name of Judge)</i>	On <i>(Date)</i>	Signed <i>(Judge, Assistant Clerk)</i>	Date notice issued

Name and address of petitioner

To:

FOLD

QUESTIONS PRESENTED FOR REVIEW

1. Whether the habeas court erred in denying respondent's Motion to Dismiss and/or Motion for Summary Judgment on the basis of procedural default
2. Whether the habeas court erred in reviewing any claim that was not properly before the court due to petitioner's failure to establish cause and prejudice with regard to the defaulted claim
3. Whether the habeas court erred in reviewing petitioner's claims of ineffective assistance of counsel, conflict of interest, and an alleged violation of *Brady v. Maryland*, without requiring petitioner to establish cause excusing his failure to raise them in the 2007 petition for new trial proceeding, and prejudice
4. Whether the habeas court erred in denying respondent's Motion to Dismiss and/or Motion for Summary Judgment on the basis of collateral estoppel
5. Whether the habeas court erred in permitting petitioner to relitigate matters decided against him in the 2007 petition for new trial proceeding
6. Whether the habeas court erred in failing to give due accord to the matters determined by Judge Karazin in the 2007 petition for new trial proceeding.
7. Whether the habeas court erred in finding criminal trial counsel's performance constitutionally deficient in any respect
8. Whether the habeas court erred in finding prejudice in any respect from trial counsel's allegedly deficient performance.
9. Whether the habeas court erred in unsealing an exhibit sealed by order of a coordinate court (*Kavanewsky, J.*).
10. Whether the habeas court erred in considering claims not properly raised by petitioner.
11. Whether the habeas court committed evidentiary errors.
12. Whether the habeas court erred in its factual determinations.

13. Whether the habeas court erred in not holding petitioner to his burden of proof on his allegations of ineffective assistance of counsel under *Strickland*.
14. Whether the habeas court erred in not holding petitioner to his burden of proof on the conflict claim.
15. Whether the habeas court erred in not holding petitioner to his burden of proof with regard to his *Brady* allegations.
16. Whether the habeas court erred in finding the trial prosecutor did not comply with his *Brady* obligations.
17. Whether the habeas court erred in finding an actual conflict, or a potential conflict, or the risk of a potential conflict.
18. Whether the habeas court erred in finding certain of petitioner's proposed witnesses unavailable.
19. Whether the habeas court erred in considering evidence for purposes other than that for which it was properly admitted
20. Whether the habeas court erred, when finding counsel ineffective in failing to present evidence in support of particular claims, in failing to require petitioner to establish that such evidence would have been admissible at the criminal trial in 2002.
21. Whether the habeas court erred, when finding counsel ineffective in failing to present evidence in support of particular claims, in failing to require petitioner to establish that such evidence would have been available to criminal trial counsel in 2002.
22. Whether the habeas court erred, when finding counsel ineffective in failing to present evidence in support of particular claims, in failing to require petitioner to produce the evidence he claims criminal trial counsel should have produced during the criminal trial in 2002.
23. Whether the habeas court erred in failing to follow pertinent procedural and evidentiary rules in its conduct of the proceedings.
24. Whether the habeas court erred in not giving due accord to all the evidence of guilt presented during the 2002 criminal trial.
25. Whether the habeas court erred in its factual findings and legal conclusions.

26. Whether the habeas court erred in granting the writ.

Respectfully submitted,

COMMISSIONER OF CORRECTION

BY:



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CERTIFICATION

I hereby certify that a copy of this petition for certification to appeal has been sent via e-mail and mailed to Attorney Hubert J. Santos and Attorney Jessica Santos 51 Russ Street, Hartford, Connecticut 06106, telephone number (860) 249-6548, fax number (860) 724-5533 on this date.

Date: November 1, 2013



SUSANN E. GILL
Supervisory Assistant State's Attorney