

No. _____

IN THE
Supreme Court of the United States

JULIAN MARTIN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

**On Petition For Writ Of Certiorari To The
United States Court Of Appeals For The Seventh Circuit**

**APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR WRIT OF CERTIORARI**

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To the Honorable Brett M. Kavanaugh, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Seventh Circuit:

1. Pursuant to Supreme Court Rules 13.5, 22, and 30, Petitioner Julian Martin, through counsel, respectfully requests a sixty-day extension of time, up to and including June 3, 2019, to file a petition for a writ of certiorari to the United States Court of Appeals for the Seventh Circuit to review *United States of America v. King*, 910 F.3d 320 (7th Cir. 2018).

2. The jurisdiction of this Court will be invoked under 28 U.S.C. § 1254(1). The court of appeals entered judgment on December 6, 2018, and denied a petition for rehearing on January 4, 2019. (Copies of the opinion and the order denying rehearing are attached.) The time to file a petition for a writ of certiorari will otherwise expire on April 4, 2019. This Application is timely because it has been filed at least ten days prior to that date.

3. Petitioner was convicted of, *inter alia*, being an accessory after the fact to murder. Petitioner's co-defendant Nathaniel Hoskins did not testify during the defendants' two-week joint bench trial, but U.S. Drug Enforcement Administration Investigator Andrew Marquez testified at length about Hoskins's post-arrest statement. That statement directly incriminated Petitioner as an accessory after the fact to murder—but Petitioner had no opportunity to cross-examine Hoskins. Despite Petitioner's objections, the district court expressly relied on Hoskins's unexamined statement, which provided the necessary evidence to prove a key element of the offense.

4. Petitioner appealed to the Seventh Circuit, arguing that the district court violated his Confrontation Clause rights under *Lee v. Illinois*, 476 U.S. 530 (1986), by expressly relying on his non-testifying co-defendant's unexamined post-arrest statement. The Seventh Circuit affirmed the district court's judgment. In his petition for a writ of certiorari, Petitioner intends to challenge this clearly erroneous deprivation of his Confrontation Clause rights.

5. Good cause exists for this requested extension. Undersigned counsel, Ilana B. Gelfman of Jones Day, was brought onto this matter only this week, following the departure from Jones Day of Mr. Kenton Skarin. Mr. Skarin was the Supreme Court-barred advocate who had previously been consulting on this case with Mr. James Dunlop, the Seventh Circuit court-appointed counsel. Mr. Skarin departed Jones Day on March 8, 2019 to become a state-court judge. Following Mr. Skarin's departure, efforts to replace him began immediately. Within two weeks, Ms. Gelfman was cleared to join the matter as Mr. Skarin's replacement. Ms. Gelfman is a recent addition to this case with significant additional professional obligations. Petitioner respectfully requests that Ms. Gelfman be afforded time to review and develop the arguments for this matter.

WHEREFORE, Petitioner respectfully requests that an order be entered extending the time to file a petition for a writ of certiorari for sixty days, up to and including June 3, 2019.

Respectfully submitted,

/s/ Ilana B. Gelfman

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Dated: March 25, 2019