

No. _____

In The
Supreme Court of the United States

Thomas Byrd Lawhon Jr.

Applicant

v.

Terrill Delaine McNulty

Respondent

APPLICATION FOR EXTENSION OF TIME
TO FILE PETITION FOR CERTIORARI

To the Honorable Elena Kagan
Associate Justice of the United States Supreme Court
and Circuit Justice for the Sixth Circuit

THOMAS BYRD LAWHON, JR.
Applicant, pro se
5145 Georgetown Road
Owenton, Kentucky 40359
Phone: (502) 750-1812
Email: tom.lawhon@gmail.com

Hon. Chadwick B. Hammonds
Hammonds Law Office
133 Plaza Drive, Suite 2
Berea, Kentucky 40403
Phone: (859) 985-0770
Fax: 1-888-853-2771
Email: chad@hawky.com

RECEIVED
Attorney for Respondent

DEC 18 2018

OFFICE OF THE CLERK
SUPREME COURT, U.S.

To the Honorable Elena Kagan, Associate Justice of the United States Supreme Court and Circuit Justice to the Sixth Circuit:

Applicant-Appellant, Thomas Byrd Lawhon Jr., *pro se*, respectfully requests an extension of time to file a petition for writ of certiorari. Sup. Ct. R. 13.5. The earliest deadline for Appellant to file his petition is Tuesday, December 18, 2018, which is ninety days from Wednesday, September 19, 2018, the date on which the Supreme Court of Kentucky, the highest court of the Commonwealth of Kentucky, entered an Order that denied this Applicant's motion to Supreme Court of Kentucky for its discretionary review of the Opinion Affirming rendered December 22, 2017 by Court of Appeals of Kentucky, an opinion in which all of the appellate judicial panel of that court concurred in affirming in all its particulars the Decree of Dissolution of Marriage entered on January 30, 2015 by the Madison Circuit Court of Kentucky. For good cause set forth herein, Appellant asks that the deadline to file his petition for a Writ of Certiorari in the Supreme Court of the United States be extended by sixty days so that the new deadline be Monday, February 11, 2019.

JUDGMENT WHICH APPLICANT REQUESTS THIS COURT TO REVIEW

Judgment which this Applicant requests be reviewed by the Supreme Court of the United States is the Opinion Affirming, Exhibit 1, rendered by the Court of Appeals of Kentucky in Case No. 2015-000491. Said Opinion Affirming was made final within the Commonwealth of Kentucky Unified Court of Justice when the Supreme Court of Kentucky entered its Order, Exhibit 2, denying this Applicant's motion discretionary review by Supreme Court of Kentucky. Said Supreme Court of

Kentucky Order denying discretionary review was entered on September 19, 2018. In Kentucky Rules of Civil Procedure motion for discretionary review is dealt with in Rule 76.20. Rule 76.20(9)(a) states, “If motion is denied the decision shall stand affirmed, and if a supersedeas bond has been executed, damages for delay shall be recoverable pursuant to KRS Chapter 26A. The denial of a motion for discretionary review does not indicate approval of the opinion or order sought to be reviewed and shall not be cited as connoting such approval.” Therefore, denial by Supreme Court of Kentucky of Applicant’s motion to that court shall not be cited as approval by Supreme Court of Kentucky, nevertheless, that does not mean that the Court of Appeals of Kentucky Opinion Affirming could not be cited as an Opinion of the Court of Appeals. Courts in Kentucky below the Court of Appeals, that is to say, all circuit courts over each of Kentucky’s 120 counties, are bound by the decisions of the Court of Appeals of Kentucky that are not overruled by Kentucky Supreme Court.

THE PARTY FOR WHOM EXTENSION OF TIME TO FILE PETITION FOR WRIT
OF CERTIORARI IS MADE BY THIS APPLICATION

Applicant is the sole party for whom extension of time is herein requested.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257, because although Supreme Court of Kentucky did not consider the merits of the Opinion Affirming of the Court of Appeals of Kentucky, the Supreme Court of Kentucky Order denying this Applicant’s motion for discretionary review allowed to stand in Kentucky a

judgment that is repugnant to the Constitution of the United States and several federal statutes.

**APPLICANT'S EFFORTS TOWARD RECONSIDERATION BY COURT OF
APPEALS OF KENTUCKY**

Applicant filed in the Court of Appeals of Kentucky a motion to reconsider, returned to Applicant with notice of deficient pleading, Exhibit 3, because filing a petition for rehearing together with payment of a filing fee, not filing of a motion to reconsider, was the necessary form of pleading. Applicant then filed a petition for rehearing, which was returned as untimely, Exhibit 4. Applicant asked personnel from the office of the Clerk of the Court of Appeals of Kentucky specifically if this Applicant could use the drop box at Clerk's office to deposit a petition for rehearing after hours and was told no, because it was necessary to give the money for filing fee to personnel of the Clerk's office at the same time that petition was deposited with Clerk's office or else the petition for rehearing would not be returned, not filed. When Applicant arrived during business hours on the last filing day for petition for rehearing, Applicant found a note on door stating that Court of Appeals of Kentucky had closed two hours early due to a predicted snowstorm, which had not yet arrived. Applicant called the Court of Appeals telephone number, and a person working for said office answered, who when asked if Applicant's petition for rehearing would be accounted timely if filed on the next business day, said yes because Court of Appeals had closed its office two hours early that this Applicant's petition for rehearing would be timely if filed the next business day. However, when Applicant filed his

petition for rehearing, writing within, that the Court of Appeals building had been closed during business hours, said petition for rehearing was treated as untimely and not filed, but returned. Therefore, Court of Appeals of Kentucky has not taken a second look at its Opinion Affirming.

**REASONS EXTENSION OF TIME TO FILE PETITION FOR WRIT OF
CERTIORARI IS JUSTIFIED IN THIS CASE**

It should be obvious to all that it takes much longer for a non-lawyer like the Applicant to research and prepare filings than it would for an attorney.

Applicant has already suffered manifest injustices as a result of wrong decisions trial court made when it failed to rule in accordance with the Constitution of the United States and federal statutes, failed to follow Kentucky statutes, Civil Rules and the precedents of higher courts of Kentucky, compounded when Court of Appeals of Kentucky failed to correct grievous errors trial court made in Decree of Dissolution of Marriage and in trial court's procedural rulings in this case. Said unjust decisions of trial court affirmed by Court of Appeals have caused collateral damage to Applicant and required Applicant to litigate with other parties in other cases in order to defend himself and Applicant's just claims to real property and personal property. In those cases, the Applicant has been obliged to prepare other court filings in multiple cases, including a motion for a stay pending appeal of an order to Court of Appeals of Kentucky, during the timeline for preparing Applicant's petition for Writ of Certiorari and Applicant has several more filings in the offing,

besides the appeal just mentioned, including a response to motion for summary judgment that will require Applicant's attention in the near future.

An issue which Applicant hopes to present adequately to this Court, and should be able to do so if extension of time to file petition for Writ of Certiorari be granted, is an uncommon issue and perhaps a matter of first impression as to its Thirteenth Amendment considerations.

Applicant alleged in initial responsive pleading to wife's Petition for Dissolution of Marriage that fact there were so many anomalies in her said petition, that was prepared with assistance of counsel, are indications that Applicant's wife was being forced through coercion by her son and daughter-in-law to file for divorce. Motives of said son and daughter-in-law were alleged to include retribution for this Applicant making reports to the appropriate authorities of sexual abuse of children against said daughter-in-law and Applicant's refusal to recant those reports when bribed by said son and daughter-in-law and secondarily alleged to operate as a means for said son and daughter-in-law to unjustly obtain real property through fraud in the divorce proceedings. Under circumstances in which Kentucky Civil Rule 8.04, Effect of failure to deny, is applicable, Applicant's wife, through and by counsel, filed a reply pleading that did not deny that she had been reduced to a state of slavery, that it was her son and daughter-in-law's decision for her to divorce, and that she had been subjected to "duress", "coercion", "inveiglement" and "outside influence" that were part of the "nefarious schemes" of her son, which under Kentucky Civil Rule 8.04 constitutes an admission of same facts. No court

has denied that wife of Applicant made such admissions. Opposing counsel has not denied his client made such admissions by failure to deny them. Testimony by Applicant's wife was not inconsistent with said admissions and her testimony corroborated some said allegations.

Trial court made no mention of the slavery issue raised in its Decree of Dissolution of Marriage. Court of Appeals of Kentucky made no mention of 13th Amendment issue although both parties mention 13th Amendment issue in their respective briefs to that appellate court. The only argument put forward in the Brief for Appellee is that the 13th Amendment is not relevant to the case, with no explanation as to why.

Therefore, the case is an important case to decide whether a married person in the United States may lawfully be reduced to a state of slavery and forced to divorce, just as families were separated under chattel slavery.

Case provides opportunity to establish the duty of state courts to not ignore slavery issue when raised and what test must be applied when a party admits being in condition of slavery by a failure to deny, which would often be the only way to cry for help when it is likely that every paper filed by slave would be read by enslaver.



The image shows a handwritten signature in black ink, appearing to read "Thomas Byrd Lawhon, Jr.". Below the signature, the letters "/s/" are handwritten, indicating a signature.

Thomas Byrd Lawhon, Jr.
Applicant, pro se