

No. \_\_\_\_\_

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IN THE  
SUPREME COURT OF THE UNITED STATES

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MARTIN HILTY,  
*Applicant/Petitioner,*

v.  
INDIANA DEPARTMENT OF CHILD SERVICES,  
*Respondent.*

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APPLICATION TO THE HON. BRETT M. KAVANAUGH  
FOR AN EXTENSION OF TIME WITHIN WHICH TO  
FILE A PETITION FOR A WRIT OF CERTIORARI TO  
THE INDIANA SUPREME COURT

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January 8, 2020

## **APPLICATION FOR AN EXTENSION OF TIME**

Pursuant to Supreme Court Rule 13.5, counsel for Applicant hereby requests a 31-day extension of time within which to file a petition for a writ of certiorari up to and including Monday, March 2, 2020. Unless an extension is granted, the deadline for filing the petition for certiorari will be January 30, 2020.

## **JUDGMENT FOR WHICH REVIEW IS SOUGHT**

The judgment for which review is sought is *In Re: The Termination of the Parent-Child Relationship of (7) Minor Children: Martin Hilty v. Indiana Department of Child Services*, Case No. 19S-JT-323 (attached as Exhibit 1). The Indiana Supreme Court vacated the Indiana's Court of Appeals decision (which had reversed the decision of the trial court, finding violation of 5<sup>th</sup> Amendment/Due Process) and affirmed the trial court's original findings and conclusions (which ultimately terminated father's parental rights as to his 7 biological minor children when he would not admit to any sexual wrong-doing with 17-year-old step-daughter as required for reunification).

## **JURISDICTION**

The Indiana Supreme Court rendered its decision on October 31, 2019. This Court has jurisdiction in this case pursuant to 28 U.S.C. § 1257(a). Under SUP. CT. R. 13.1, 13.3, and 30.1, a petition for a writ of certiorari is presently due to be filed on or before January 30, 2020. In accordance with SUP. CT. R 13.5, this application is being filed more than 10 days in advance of the filing date for the petition for a writ of certiorari.

## REASONS JUSTIFYING AN EXTENSION OF TIME

Applicant respectfully requests a 31-day extension of time to file a petition for a writ of certiorari seeking review of the decision of the Indiana Supreme Court of the State of Indiana in this case, up to and including March 2, 2020 for the following:

1. The Indiana Supreme Court issued its written opinion on October 31, 2019. Pursuant to SUP. CT. R. 13, Applicants have 90 days to file a petition for writ of certiorari. In this particular matter, Applicant was represented by other appointed counsel at trial and subsequent, state appellate proceedings below. After the Indiana Supreme Court rendered its opinion, Applicant's present appellate counsel (Nathan D. Hoggatt) was not formally appointed as pauper counsel by the Whitley County Circuit Court until December 3, 2019, approximately 33 days later (order attached as Exhibit 2).

2. Counsel's late appointment as Applicant's pauper counsel came amidst the traditional, holiday season in which counsel had previously scheduled holiday engagements.

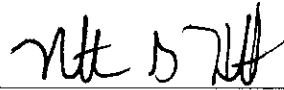
3. A 31-day extension for the Applicant would allow his present counsel the necessary amount of time to effectively research and properly prepare to staunchly argue the Constitutional incongruency presented in the Applicant's petition as well as afford Applicant's counsel sufficient time to conduct ancillary research and drafting efforts per Applicant's request.

4. Counsel for the Co-Applicant Rebecca Hilty, Mark Small, has no objection to this requested extension. Likewise, counsel Katherine Cornelius of Indiana Attorney General Office has no objection to this requested extension.

### CONCLUSION

For the foregoing reasons, counsel for Applicant respectfully requests that this Court grant an extension of 31 days, up to and including March 2, 2020, within which to file a petition for a writ of certiorari in this case.

Respectfully submitted,



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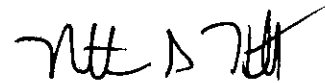
**CERTIFICATE OF SERVICE**

Pursuant to this Court's Rule 29.5(b), I certify that I have been appointed to represent Martin Hilty on appeal. I further certify that on January 7, 2020, at the time of express delivery to this Court, I served the foregoing Application, pursuant to Rules 29.3 and 29.4(a), on counsel for the respondent, by email (if applicable), and by depositing a copy of the same, first class postage prepaid, in the United States mail, addressed to:

Mark Small  
P.O. Box 20612  
Indianapolis, Indiana 46220  
Email: marksmall2001@yahoo.com  
***Attorney for Co-Applicant/Petitioner***

Curtis Hill, Jr., Attorney General of Indiana  
Robert J. Henke, Deputy Attorney General  
Katherine A. Cornelius, Deputy Attorney General  
Stephen R. Creason, Chief Counsel  
Indiana Attorney General's Office  
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Indianapolis, IN 46204  
Phone: 317.234.7095  
Email: Robert.Henke@atg.in.gov  
***Attorneys for Respondent DCS***

As a result, I state pursuant to Rule 29.5 that all parties required to be served have been served.

  
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