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No. _____

ORIGINAL

In The
Supreme Court of the United States

FILED
MAY 06 2026
OFFICE OF THE CLERK
SUPREME COURT, U.S.

SEAN CROSSWHITE,
Applicant / Petitioner,

v.

KRISTI YAKE,
Respondent.

APPLICATION FOR AN EXTENSION OF TIME TO FILE
A PETITION FOR A WRIT OF CERTIORARI

Sean Crosswhite
1950 Clinton Drive,
Marietta, GA 30062
(404) 809-8225

Applicant, Pro Se

May 6, 2026

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SUPREME COURT, U.S.

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

To The Honorable Clarence Thomas, Associate Justice Of The Supreme Court
Of The United States And Circuit Justice For The Eleventh Circuit:

Pursuant to Rule 13.5 of the Rules of this Court and 28 U.S.C. § 2101(c),
Applicant Sean Crosswhite, proceeding *pro se*, respectfully requests a sixty (60) day
extension of time within which to file a petition for a writ of certiorari, up to and
including July 17, 2026. In support of this application, Applicant shows the following:

JUDGMENT FOR WHICH REVIEW IS SOUGHT

Applicant seeks review of the May 12, 2025 opinion of the Court of Appeals of
Georgia in *Crosswhite v. Yake*, Case No. A25A0507, affirming the final order entered
by the Superior Court of Fulton County in June 2024 in *Crosswhite v. Yake*, Civil
Action File No. 2023CV383888. The Court of Appeals denied Applicant's timely
Motion for Reconsideration in July 2025.

The judgment became final for purposes of review by this Court when the
Supreme Court of Georgia denied Applicant's petition for a writ of certiorari on
January 21, 2026 (Case No. S25C1473) and denied reconsideration on February 17,
2026.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Supreme Court of
Georgia is the highest court of the State of Georgia in which a decision in this case

could be had. The federal questions presented were specially set up and claimed at the state-court level. In particular, Applicant raised the federal due-process question in his May 22, 2025 Motion for Reconsideration before the Court of Appeals of Georgia, and again in his August 21, 2025 Brief in Support of Petition for Certiorari before the Supreme Court of Georgia.

CURRENT FILING DEADLINE

The 90-day period for filing a petition for a writ of certiorari, computed under Rule 13.1 from the February 17, 2026 denial of reconsideration by the Supreme Court of Georgia, expires on May 18, 2026. This application is filed at least ten days before that date, in compliance with Rule 13.5.

NO PRIOR APPLICATION

This is Applicant's first application for an extension of time in this case. No prior application has been made to this Court or to any Justice of this Court.

REASONS JUSTIFYING THE REQUESTED EXTENSION

Good cause exists for the requested extension. Applicant has filed two contemporaneous motions in the Court of Appeals of Georgia that may materially affect the necessity, scope, and appendix preparation for any petition for a writ of certiorari.

First, Applicant has filed a Motion to Recall Remittitur and to Complete the Record under O.C.G.A. § 5-6-48(d). That motion seeks limited state-court relief concerning admitted trial exhibits from the June 2024 hearing that were sealed and

expressly preserved for preparation of the record on appeal by the trial court's September 13, 2024 sealing order, but were not transmitted as part of the appellate record. If the Court of Appeals grants relief, the state court may address the record-completeness issue that would otherwise form a central part of Applicant's intended federal due-process question. If the motion is denied, that disposition may affect the content and framing of the petition.

Second, Applicant has filed a Motion to Redact and Reissue Opinion, and to Correct the Public Appellate Record. The March 25, 2024 Confidentiality and Protective Order protects the parties' financial information at all stages of the case, including appeal. The May 12, 2025 opinion contains specific financial assertions governed by the parties' Protective Order. If the Court of Appeals grants redaction or reissuance relief, the operative version of the opinion reproduced in the petition appendix may change. See Sup. Ct. R. 14.1(i).

A short extension will permit the Court of Appeals to act on those pending motions before Applicant files a petition that may be unnecessary, materially narrowed, or required to reproduce a corrected version of the opinion below.

NO PREJUDICE TO RESPONDENT

The requested 60-day extension will not prejudice Respondent. The state-court proceedings on the merits have concluded, and no further substantive activity is anticipated within the extension period that would be affected by the timing of the petition.

DOCUMENTS PROVIDED WITH THIS APPLICATION

Applicant provides with this application the orders and opinion required by Rule 13.5, attached as exhibits:

- a. May 12, 2025 Opinion of the Court of Appeals of Georgia (Exhibit A);
- b. July 3, 2025 Order of the Court of Appeals of Georgia denying Motion for Reconsideration (Exhibit B);
- c. January 21, 2026 Order of the Supreme Court of Georgia denying Petition for Writ of Certiorari (Exhibit C); and
- d. February 17, 2026 Order of the Supreme Court of Georgia denying Motion for Reconsideration (Exhibit D).

CONCLUSION

For the foregoing reasons, Applicant respectfully requests that the time within which to file a petition for a writ of certiorari be extended sixty (60) days, up to and including July 17, 2026.

Respectfully submitted,



/s/ Sean Crosswhite

SEAN CROSSWHITE

Applicant, Pro Se
1950 Clinton Drive
Marietta, Georgia 30062
(404) 809-8225

Dated: May 6, 2026

EXHIBIT A

**SECOND DIVISION
RICKMAN, P. J.,
GOBEIL and DAVIS, JJ.**

NOTICE: Motions for reconsideration must be *physically received* in our clerk's office within ten days of the date of decision to be deemed timely filed.
<https://www.gaappeals.us/rules>

May 12, 2025

**NOT TO BE OFFICIALLY
REPORTED**

In the Court of Appeals of Georgia

A25A0507. CROSSWHITE v. YAKE.

RICKMAN, Presiding Judge.

Sean Crosswhite (“Father”), proceeding pro se, appeals the trial court’s August 20, 2024 Final Order on Petitioner’s Petition for Modification and Citation for Contempt (the “2024 Final Order”). He contends that the trial court applied the wrong legal standard and misapplied facts when it dismissed his petition to modify custody and child support, erred in awarding attorney fees to Kristi Yake (“Mother”), and erred in limiting discovery and failing to continue the trial for purposes of reopening the discovery period. For the reasons that follow, we affirm.

The evidence shows that the parties were divorced in 2014 and have two children together, one born in 2008 and one born in 2010. The Final Judgment and

Decree awarded joint legal custody of the children to both parties, with Mother having primary physical custody and Father having visitation as outlined in the incorporated parenting plan. Father's monthly child support obligation was set at \$2,691 per month. He was also responsible for providing health, dental, and vision insurance for the children.

In 2015, the trial court entered a new parenting plan, which modified Father's visitation and allowed him to enroll the children in extracurricular activities during the summer and continued Mother's role as the final decision-maker on matters affecting the children. In a January 27, 2017 Final Order (the "2017 Final Order"), the trial court modified the 2015 parenting plan with respect to visitation and required Mother to consult with Father about major decisions affecting the children. The parties subsequently entered into an October 1, 2019 Consent Final Order (the "2019 Consent Final Order") that reduced Father's child support payments to \$2,400 per month and required Mother to provide health insurance coverage for the children and pay for the children's extracurricular activities. As part of the 2019 Consent Final Order, Mother was no longer required to consult with Father about final decisions

affecting the children and Father agreed not to contact the children's third party service providers.

In August 2023, Father filed a petition for modification of custody, visitation, and child support. In his petition, Father sought primary physical custody of the children, final decision-making authority on all significant matters affecting the children, and the modification or suspension of Mother's parenting time. He also sought a reduction in his child support obligations based on a decrease in his income and a change in Mother's financial status. Mother answered the petition and moved to dismiss it in its entirety and award her attorney fees and expenses for having to defend the action.

In June 2024, the trial court conducted a hearing on Father's petition, and proceeding pro se, Father called as witnesses his mother-in-law, his stepson, his stepdaughter, his brother-in-law, Mother, Mother's current husband, the ex-wife of Mother's current husband, and a former assistant principal at an elementary school the children previously attended. He also testified on his own behalf. At the conclusion of Father's case, Mother moved to dismiss his petition. Mother also

presented evidence in support of her claim for attorney fees in the amount of \$175,767.58.

The trial court orally granted the motion to dismiss the modification action at the hearing and subsequently issued the 2024 Final Order, which included findings of fact, as requested by Father. In the 2024 Final Order, the trial court also denied Father's pending petition seeking to hold Mother in contempt and awarded Mother attorney fees in the amount of \$125,000. This appeal followed.

1. With respect to his petition to modify custody, Father contends that the trial court applied the wrong legal standard when considering whether there was evidence of a material change in circumstances affecting the welfare of the minor children. We disagree.

As set forth in the 2024 Final Order, “[a] petition to change child custody should be granted only if the trial court finds that there has been a material change of condition affecting the welfare of the child since the last custody award. If there has been such a change, then the court should base its new custody decision on the best interest of the child.” (Citation and punctuation omitted.) *Park-Poaps v. Poaps*, 351 Ga. App. 856, 861 (2) (833 SE2d 554) (2019). The 2024 Final Order also recognized that

“[t]he evidence sufficient to warrant a modification of custody [pursuant to OCGA § 19-9-3 (b)] can consist of a change in material conditions which have a positive effect on the child’s welfare as well as changes which adversely affect the child.” (Citation and punctuation omitted.) *Viskup v. Visкуп*, 291 Ga. 103, 105 (2) (727 SE2d 97) (2012).¹

Father does not challenge the accuracy of this standard but instead takes issue with the trial court’s oral pronouncement at the hearing that it was granting Mother’s motion to dismiss the petition because there was no evidence of any change that had *adversely* affected the children. Because Father’s enumeration challenges the standard utilized in the trial court’s oral ruling rather than its subsequent written order, the enumeration is without merit. See *Mondy v. Magnolia Advanced Materials*, 303 Ga. 764, 772 (4) (b) (815 SE2d 70) (2018) (“[U]ntil an oral pronouncement is memorialized, the trial judge has broad discretion to amend, alter, or completely change his [or her] decision, and any discrepancy between the oral pronouncement and the written ruling will be resolved in favor of the written judgment.”).

¹ OCGA § 19-9-3 (b) recognizes a judge’s power “to enter a judgment relating to the custody of a child in any new proceeding based upon a showing of a change in any material conditions or circumstances of a party or the child.”

2. With respect to his petition to modify child support, Father contends that the trial court's determination that there was no reliable evidence of a substantial change in either parent's income and financial status is clearly erroneous. He argues that the trial court determined that the only evidence of the parties' respective incomes was their 2023 income tax returns, which reflect a reduction in the income of both parties since the last modification order.²

Pursuant to OCGA § 19-6-15 (k) (1), a parent may petition for a modification of child support if “there is a substantial change in either parent's income and financial status or the needs of the child.” *Id.* “[T]he showing of a change in the parent's financial status or a change in the needs of the child is a threshold requirement in a modification action.” (Citation and punctuation omitted.) *Rose v. Clark*, 360 Ga. App. 440, 442 (2) (859 SE2d 137) (2021).

When considering Father's most recent petition for modification of child support, the trial court noted that the parties' 2023 tax returns had been tendered into evidence. It did not, however, state that those returns were the sole basis for its

² The last order that impacted Father's child support obligations was the 2019 Consent Final Order, which reduced the amount of child support Father was required to pay and required Mother to take on additional expenses related to the children.

determination that “[t]here was no reliable evidence of a substantial change in either parent’s income or financial status or the needs of the children to authorize a modification of child support.” Apart from the tax returns, the trial court admitted additional documents related to the parties’ respective financial conditions and evidence presented at the hearing showed, inter alia, that Father had continued to pay \$2,400 per month in child support since the 2019 Consent Final Order; Father had [REDACTED] in a bank account; and Father had managed to purchase a [REDACTED] [REDACTED], travel for an extended period, and help pay part of [REDACTED] [REDACTED].³ See generally *Gowins v. Gary*, 288 Ga. App. 409, 412 (1) (b) (654 SE2d 162) (2007) (“‘Financial status’ is a much more comprehensive term than ‘income,’ and pertains to the conditions or circumstances in which a person stands with regard to his income and property.”) (citation and punctuation omitted).

A trial court’s decision on whether a substantial change in the parents’ financial status authorizes an upward or downward revision of child support will be allowed to stand on appeal if there is any evidence to support the finding underlying the ruling. See *Rose*, 360 Ga. App. at 442 (2). Because the record contains at least some evidence

³ We note that the exhibits from the hearing are not included in the record on appeal.

to support the trial court's finding, it will not be disturbed on appeal. See *Decker v. Decker*, 256 Ga. 513, 514 (2) (350 SE2d 434) (1986); see also *Moccia v. Moccia*, 277 Ga. 571, 572 (1) (592 SE2d 664) (2004) (where evidence did not demand a finding in favor of Father, the trial court did not abuse its discretion in denying a downward modification of child support).

3. Father contends that the trial court erred when it awarded attorney fees to Mother.

In support of her request for attorney fees, Mother presented testimony as to the reasonableness of the fees as well as billing statements detailing the work performed. After considering "all circumstances of this case," particularly "the prevailing party and what justice requires pursuant to OCGA § 19-6-15 (k), the reasonableness and necessity of the attorney's fees pursuant to OCGA § 19-9-3(g), and the financial circumstances of the parties under OCGA § 19-6-2," the trial court awarded Mother her "reasonable and necessary" attorney fees in the amount of \$125,000.

Father argues that attorney fees were not justified under OCGA § 19-6-15 (k)⁴ because the trial court improperly dismissed Father's petition for a downward modification of child support and Mother therefore should not have been considered the prevailing party. As set forth in Division 2, the trial court did not abuse its discretion in denying a downward modification of child support and thus Mother would be considered the prevailing party with respect to that claim. Father makes no further challenge to the award of fees under OCGA § 19-6-15 (k) (5).

Because an award of attorney fees was justified under OCGA § 19-6-15 (k) (5), we need not consider the trial court's alternative bases for the award.

4. Father contends that the trial court erred when it limited discovery and failed to continue the trial for purposes of reopening the discovery period.

Father challenges a March 2024 order addressing discovery disputes between the parties in which the trial court ruled that for purposes of the modification action, the parties could seek discovery from the date of the 2019 Consent Final Order to present. Father contends that he should have been allowed to seek discovery back to

⁴ "In proceedings for the modification of a child support award pursuant to the provisions of this Code section, the court may award attorney's fees, costs, and expenses of litigation to the prevailing party as the interests of justice may require." OCGA § 19-6-15 (k) (5).

2015 because the last custody order, the 2017 Final Order, was issued nunc pro tunc to August 5, 2015, the last date of trial, and amended a parenting plan incorporated into a final order entered in December 2015.⁵

At the June 2024 hearing, the trial court stated that it was “not going to limit [Father] to the 2019 time frame with respect to putting evidence before the court,” and allowed Father to submit documentary evidence and question witnesses about matters dating back to the date of the 2015 parenting plan. The trial court denied Father’s request to reopen discovery.

“Trial judges have broad discretion in controlling discovery, . . . and appellate courts will not reverse a trial court’s decision on such matters unless there has been a clear abuse of discretion.” (Citation and punctuation omitted.) *Wright-Herman v. Fresh Start Constr. & Mgmt.*, 374 Ga. App. 236, 236 (912 SE2d 101) (2025).

⁵ Father takes the position that he is entitled to discovery relating back to the date the 2015 parenting plan was entered, not the last day of the trial referenced in the 2017 Final Order.

Here, regardless of whether the trial court's initial ruling was too restrictive, Father was subsequently allowed to present documentary evidence and elicit testimony from his nine witnesses about matters dating back to 2015. And his brief on appeal fails to specify the evidence that he was precluded from obtaining as a result of the trial court's initial ruling. Under the circumstances, we find no abuse of discretion in the trial court's denial of his motion to reopen discovery. See *Quarterman v. Cullum*, 311 Ga. App. 800, 804 (4) (717 SE2d 267) (2011).

Judgment affirmed. Gobeil and Davis, JJ., concur.

EXHIBIT B

Court of Appeals of the State of Georgia

ATLANTA, July 03, 2025

The Court of Appeals hereby passes the following order

A25A0507. SEAN CROSSWHITE v. KRISTI YAKE.

Upon consideration of the APPELLANT'S Motion for Reconsideration in the above styled case, it is ordered that the motion is hereby DENIED.



Court of Appeals of the State of Georgia

Clerk's Office, Atlanta, July 03, 2025.

*I certify that the above is a true extract from the minutes
of the Court of Appeals of Georgia.*

*Witness my signature and the seal of said court hereto
affixed the day and year last above written.*

Christina Coley Smith, Clerk.

EXHIBIT C



SUPREME COURT OF GEORGIA
Case No. S25C1473

January 21, 2026

The Honorable Supreme Court met pursuant to adjournment.
The following order was passed:

SEAN CROSSWHITE v. KRISTI YAKE.

The Supreme Court today denied the petition for certiorari in this case.

All the Justices concur.

Court of Appeals Case No. A25A0507

SUPREME COURT OF THE STATE OF GEORGIA
Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa A. Barnes, Clerk

EXHIBIT D



SUPREME COURT OF GEORGIA
Case No. S25C1473

February 17, 2026

The Honorable Supreme Court met pursuant to adjournment.

The following order was passed:

SEAN CROSSWHITE v. KRISTI YAKE.

Upon consideration of the Motion for Reconsideration filed in this case, it is ordered that it be hereby denied.

All the Justices concur.

SUPREME COURT OF THE STATE OF GEORGIA

Clerk's Office, Atlanta

I certify that the above is a true extract from the minutes of the Supreme Court of Georgia.

Witness my signature and the seal of said court hereto affixed the day and year last above written.

Theresa A. Barnes, Clerk

CERTIFICATE OF SERVICE

I, Sean Crosswhite, hereby certify that on this 6th day of May, 2026, I caused a true and correct copy of the foregoing *Application for an Extension of Time to File a Petition for a Writ of Certiorari* to be served upon counsel for Respondent by United States Mail, first-class postage prepaid, addressed as follows:

Marvin L. Solomiany, Esq.

Katie Ehrlich, Esq.

KESSLER & SOLOMIANY, LLC

101 Marietta Street, Suite 3500

Atlanta, Georgia 30303

This 6th day of May, 2026.

/s/ Sean Crosswhite

SEAN CROSSWHITE

Applicant Pro Se