

No. _____

IN THE
Supreme Court of the United States

JESUS MARTINEZ,
Applicant,

v.

UNITED STATES,
Respondent.

**Application to the Hon. John G. Roberts, Jr.
for Extension of Time to File a
Petition for a Writ of Certiorari to the
United States Court of Appeals for the Armed Forces**

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Pursuant to Supreme Court Rules 13(5), 22, and 30, the Applicant, Jesus Martinez, requests a sixty-day extension of time, to and including August 22, 2026, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the Petition for a Writ of Certiorari will be June 23, 2026. This Application is being filed more than ten days before that date.

In support of this application, Applicant states the following:

1. The Court of Appeals for the Armed Forces (CAAF) denied a petition for review on March 25, 2026. This Court has jurisdiction under 28 U.S.C. § 1259(3). A copy of the CAAF's order denying the petition for review, of which Applicant seeks

review, is attached to this application.

2. Applicant, a member of the United States Air Force, was tried by a general court-martial consisting of officer and enlisted members. *United States v. Martinez*, No. ACM 39903 (reh)(f rev), 2025 CCA LEXIS 494, at *1 (A.F. Ct. Crim. App. Oct. 31, 2025). The members convicted Applicant of one specification of attempted sexual assault and one specification of sexual assault in violation of 10 U.S.C. §§ 880 and 920. *Id.* Applicant was sentenced to a dishonorable discharge, confinement for six years, forfeiture of all pay and allowances, and reduction to the grade of E-1. *Id.* at *1–2.

3. Following his conviction, Applicant appealed to the Air Force Court of Criminal Appeals (Air Force Court). Applicant raised eleven issues, including whether the military judge should have recused himself, whether there was error in the findings instructions, and whether the Constitution guarantees Applicant a right to a unanimous verdict. *Id.* at *2 (citing *United States v. Martinez*, No. ACM 39903, 2021 CCA LEXIS 250 (A.F. Ct. Crim. App. May 21, 2021)); *United States v. Martinez*, No. ACM 39903 (f rev), 2022 CCA LEXIS 324, at *2–4 (A.F. Ct. Crim. App. May 31, 2022). The Air Force Court initially found that the convening authority failed to take required action on the entire sentence and remanded the record for correction. *Martinez*, 2025 CCA LEXIS 494, at *2 (citing *Martinez*, 2021 CCA LEXIS 250, at *2). After correction and redocketing, the Air Force Court set aside the findings of guilty for attempted sexual assault due to prejudicial error in the findings instructions. *Id.*

(citing *Martinez*, 2022 CCA LEXIS 324, at *106–12). The Air Force Court remanded the case for a rehearing as to the sentence. *Id.* at *3.

4. At the rehearing, a general court-martial consisting of a military judge alone sentenced Applicant to a dishonorable discharge, confinement for forty-six months, forfeiture of all pay and allowances, and reduction to the grade of E-1, awarding Applicant credit for time served plus additional credit for illegal pretrial confinement. *Id.* at *3. Applicant then raised three issues before the Air Force Court. *Id.* The Air Force Court remanded the case to correct several missing appellate exhibits in the record. *Id.* at *3–4 (citing *United States v. Martinez*, No. ACM 39903 (reh), 2024 CCA LEXIS 551 (A.F. Ct. Crim. App. Dec. 16, 2024)). Following correction and redocketing, the Air Force Court partially disapproved the adjudged reduction in grade due to post-trial processing delays. *Id.* at *43.

5. Applicant petitioned the CAAF to review the Air Force Court’s decision. The CAAF denied that petition. *United States v. Martinez*, No. 26-0073/AF, 2026 CAAF LEXIS 285 (C.A.A.F. Mar. 25, 2026).

6. Applicant’s Air Force Appellate Defense Counsel, Major Frederick Johnson, is also detailed to fourteen other cases. Since the CAAF’s denial of the petition for review in this case, counsel’s statutory obligations in representing other clients required him to complete briefing in a variety of other cases before the Air Force Court and the CAAF as well as two petitions for a writ of certiorari and one reply brief in other cases before this Court.

7. Additionally, the printing required for Applicants' petition must be processed through a federal government agency (the Air Force), which has payment and processing requirements a private firm does not. The procurement process for a printing job cannot be forecasted with certainty, often has delays, and cuts approximately two weeks out of undersigned counsel's time to finalize the Petition for a Writ of Certiorari. Federal agency budgetary limitations can also add to the normal delays and constraints associated with processing printing through the Air Force.

8. Applicant thus requests an extension not exceeding sixty days for counsel to prepare a petition that fully addresses the issues raised by the decisions below and frames those issues in a manner that will be most helpful to the Court.

For the foregoing reasons, Applicant respectfully requests that an order be entered extending the time to file a Petition for a Writ of Certiorari up to, and including, August 22, 2026.

Respectfully submitted,



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