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IN THE
Supreme Court of the United States

CHANSON A. JOHNSON,
Applicant,

v.

UNITED STATES OF AMERICA,
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**

NICOLE J. HERBERS
Counsel of Record
Appellate Defense Counsel
Appellate Defense Division
United States Air Force
1500 West Perimeter Road
Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770
nicole.herbers@us.af.mil

Counsel for Applicant

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Pursuant to Supreme Court Rules 13(5), 22, and 30, the Petitioner, Chanson A. Johnson, requests a 60-day extension of time, to and including December 19, 2025, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari will be October 20, 2025. This Application is being filed more than 10 days before that date.

In support of this application, Applicant states the following:

1. The Court of Appeals for the Armed Forces (CAAF) rendered its decision on July 22, 2025. This Court has jurisdiction under 28 U.S.C. § 1259(3). Copies of the

CAAF's order granting review and its opinion, the latter of which Applicant is seeking review, are included with this application.

2. In April 2024, Applicant pleaded guilty to one charge and specification of wrongful use of methamphetamine on divers occasions, in violation of 10 U.S.C. § 912a. *United States v. Johnson*, No. ACM S32782, at *1 (A.F. Ct. Crim. App. Jan. 16, 2025). The military judge sentenced Applicant to a reprimand, reduction to the grade of E-4, confinement for thirty days, and a bad-conduct discharge. *Id.*

3. On January 16, 2025, the Air Force Court of Criminal Appeals (AFCCA) affirmed the findings and the sentence. *Id.* at *2. In his appeal to the AFCCA, Applicant raised two issues, including “whether the post-trial processing of Appellant’s case was improperly completed when the staff judge advocate found 18 U.S.C. § 922 applied to Appellant's conviction of a nonviolent offense. *Id.* at *1. The AFCCA found this issue outside its authority to review. *Id.*

4. Applicant petitioned the CAAF on the firearm prohibition issue, and the CAAF granted review. *United States v. Johnson*, __ M.J. __, No. 25-0115/AF 2025 LX 231 (C.A.A.F. March 27, 2025). Following the CAAF’s decision in *United States v. Johnson*, __ M.J. __, No. 24-0004/SF, 2025 LX 121958 (C.A.A.F. June 24, 2025), wherein the CAAF found that it lacked authority to act on the firearms prohibition contained in the record of trial, the CAAF affirmed the AFCCA’s decision. *United States v. Johnson*, __ M.J. __, No. 25-0115/AF, 2025 LX 582 (C.A.A.F. July 22, 2025).

5. Major Nicole Herbers is Applicant's lead appellant defense counsel, having represented him throughout the appellate process. No other counsel has reviewed the record. Maj Herbers serves in the United States Air Force Reserve, which limits the number of hours per year she can be compensated by the Air Force, and her hours for FY 2025, ending on 30 September 2025 were expended. Counsel represents 7 additional clients in her Reserve capacity. Maj Herbers is also a federal civil servant working full-time for the Social Security Administration. Following the CAAF's denial of relief for Applicant, Counsel filed a Petition for Writ of Certiorari before this Court, a Brief on Behalf of Appellant and Reply Brief in preparation for oral argument before the CAAF, and is preparing an Answer with co-counsel on a certified case to the CAAF by the Air Force PDOT (Performing Duties of The Judge Advocate General). Since October 1, 2025, Counsel's ability to work has been further constrained by lack of appropriations as Counsel cannot perform normal tours of duty but must be placed on Active Duty orders for excepted activities. This orders-writing process adds additional delay in the ability for Counsel to complete this filing.

6. Additionally, as part of the basis for requesting an extension of time, the printing process required for Applicant's 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. The close of

the fiscal year and federal agency budgetary limitations added to the normal delays and constraints associated with processing printing through the Air Force. Since October 1, 2025, with the lapse in Federal appropriations, Government expenditures have been curtailed.

7. Applicant thus requests a 60-day extension for counsel to prepare a petition that fully addresses the issue raised to the CAAF 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, December 19, 2025.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nicole J. Herbers", written in a cursive style.

NICOLE J. HERBERS, Maj, USAF

Counsel of Record

Air Force Appellate Defense Division
1500 Perimeter Road, Suite 1100
Joint Base Andrews NAF, MD 20762
nicole.herbers@us.af.mil
(240) 612-4770

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