

CASE NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER 2025 TERM

MARK HARTMAN,

Petitioner,

vs.

DAVE YOST, OHIO ATTORNEY GENERAL,

Respondent.

On Petition for a Writ of Certiorari
To the United States Court of Appeals for the Sixth Circuit

UNOPPOSED APPLICATION FOR 60-DAY EXTENSION
TO FILE PETITION FOR WRIT OF CERTIORARI

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Counsel for Petitioner Mark Hartman

To the Honorable Brett M. Kavanaugh, Associate Justice of the United States
Supreme Court and Circuit Justice for the Sixth Circuit:

Mark Hartman, who was convicted of rape that carries a sentence requiring lifetime reporting to law enforcement, respectfully applies, under Supreme Court Rule 13.5, for a 60-day extension to file his petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit.

In support of his application, Mr. Hartman's counsel state the following:

1. Mr. Hartman will be filing a petition for writ of certiorari challenging the affirmance of his state convictions and sentence, by the United States Court of Appeals for the Sixth in its judgment and opinion filed on July 24, 2025. *Hartman v. Yost*, 146 F.4th 463 (6th Cir. 2025) (Appendix A). Rehearing was denied on September 9, 2025. *Hartman v. Yost*, Sixth Circuit Case Nos. 23-3309/3365, Doc. 54 (6th Cir. 2025). (Appendix B). The Sixth Circuit denied expansion of the district court's certificate of appealability on September 15, 2023. *Hartman v. Ohio Adult Parole Authority*, 2023 U.S. App. LEXIS 24668 (6th Cir. 2023). (Appendix C)

2. This Court has jurisdiction under 28 U.S.C. §1254(1). The Sixth Circuit Court of Appeals had jurisdiction under 28 U.S.C. 2253. The District Court had jurisdiction under to 28 U.S.C. §2241 and 28 U.S.C. §2254.

3. Mr. Hartman's petition for writ of certiorari is due to be filed in this Court by December 9, 2025. Rule 13.3. As required by Rule 13.5, this application for additional time is being filed at least 10 days before that date.

4. This is a serious case in which preparing the petition for certiorari requires extensive work. The district court granted habeas corpus relief in *Hartman v. Ohio Adult Parole Auth.*, 3:19-cv-003 (S.D. Ohio March 31, 2023). That decision found that Hartman received ineffective assistance from trial counsel in their cross-examination of the State's witnesses. The district court also granted a certificate of appealability on whether counsel was ineffective when they gave false information to Hartman when advising Hartman to waive his right to a jury trial. Hartman was denied a COA on several grounds including whether he was denied Confrontation Clause rights under *Crawford v. Washington*, 541 U.S. 36 (2004). These are among the important issues to be addressed in Hartman's petition for a writ of certiorari. The Sixth Circuit reversed the district court's grant of the writ. *Hartman v. Yost*, 146 F.4th 463 (6th Cir. 2025).

5. Counsel have been working on and will continue to give Mr. Hartman's case priority as he continues to suffer the consequences of his conviction while his case is unresolved. Even so, Hartman's counsel have heavy professional workloads of other commitments that cannot be set aside or delegated to others. In addition, unexpected circumstances have arisen that have been particularly demanding including the death of a co-counsel in an unrelated capital case. Personal considerations play a role in the length of this request. Both Counsel have plans for the upcoming holidays and would like to keep them.

6. Mr. Hartman's counsel have communicated with the Office of the Ohio Attorney General, and has been informed by Principal Assistant Attorney General, Criminal Justice Section, Stephanie Watson, that the State does not oppose this request.

Accordingly, for these reasons, Mr. Hartman respectfully requests that the Court grant this application and extend for 60 days the time allowed to file his petition for writ of certiorari to the United States Court of Appeals for the Sixth Circuit.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "S. Adele Shank", written over a horizontal line.

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