

No. _____

IN THE
Supreme Court of the United States

MICHAEL J. HYMEL,
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**

LUKE D. WILSON
Air Force Appellate Defense Div.
1500 West Perimeter Road
Suite 1100
Joint Base Andrews, MD 20762
Luke.wilson.14@us.af.mil

PILAR G. WENNRICH
Counsel of Record
Air Force Appellate Defense Div.
1500 West Perimeter Road
Suite 1100
Joint Base Andrews, MD 20762
Pilar.wennrich@us.af.mil

Counsel for Applicant

No. _____

IN THE
Supreme Court of the United States

MICHAEL J. HYMEL,
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**

Pursuant to Supreme Court Rules 13(5), 22, and 30, the Petitioner, Michael J. Hymel, requests a 60-day extension of time, to and including May 16, 2026, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the petition for certiorari is March 17, 2026. This Application is being filed less than 10 days before that date, however there is good cause to grant this extension request.

In support of this application, Applicant states the following:

1. The Court of Appeals for the Armed Forces (CAAF) rendered its decision denying review of Applicant's case on December 16, 2025. This Court has jurisdiction

under 28 U.S.C. § 1259(3). A copy of the CAAF's order denying review appears in this application's appendix.

2. Applicant, then a member of the United States Air Force, was tried by a general court-martial composed of a military judge alone at Keesler Air Force Base (AFB), Mississippi, on September 26-27, 2024. Consistent with his plea, he was found guilty of one specification of dereliction of duty charged under Article 92, Uniform Code of Military Justice (UCMJ), 10 U.S.C. § 892. The military judge sentenced Appellant to seven days of confinement, and to forfeit \$3,945.00 pay per month for one month.

3. At the Air Force Court of Criminal Appeals (AFCCA), Applicant challenged whether his plea was improvident and whether the court-martial had personal jurisdiction over him. On September 11, 2025, the AFCCA affirmed the findings and sentence.

4. Applicant sought discretionary review by the Court of Appeals for the Armed Forces (CAAF). In addition to an issue regarding the Air Force Court utilizing an improper standard on review, Appellant raised the same issues that he had raised at the AFCCA level. On December 16, 2025, the CAAF denied Applicant's petition to review his case.

5. Good cause exists to grant the requested extension. Applicant's appellate defense counsel, Lieutenant Colonel Luke Wilson, is a reservist in the Air Force Reserves. As such, the Air Force does not allow counsel to work on cases unless he is in a military status. While counsel has been in the appropriate status for a little over

a month, he is detailed to 11 other cases, two of which are especially relevant to the case. Specifically, counsel was detailed to brief two cases at the CAAF level at the last minute when the originally assigned appellate defense counsel were unable to brief the cases due to medical issues. These cases required counsel to familiarize himself with approximately 2,500 pages of record, as well as the original briefings at the Air Force Court of Criminal Appeals level.

6. Further, 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.

7. Applicant thus requests a 60-day extension for the filing of Applicant's certiorari petition.

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, May 16, 2026.

Respectfully submitted,

Pilar G. Wennrich
Counsel of Record
Air Force Appellate Defense Division
1500 Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
dwight.sullivan.1@us.af.mil
(240) 612-4770

March 9, 2026

APPENDIX

**United States Court of Appeals
for the Armed Forces
Washington, D.C.**

United States,
Appellee

USCA Dkt. No. 26-0025/AF
Crim.App. No. 40627

v.

ORDER DENYING PETITION

Michael J.
Hymel,
Appellant

On consideration of the petition for grant of review of the decision of the United States Air Force Court of Criminal Appeals, it is by the Court, this 16th day of December, 2025,

ORDERED:

That the petition is hereby denied.

For the Court,

/s/ Malcolm H. Squires, Jr.
Clerk of the Court

cc: The Judge Advocate General of the Air Force
Appellate Defense Counsel (Wilson)
Appellate Government Counsel (Payne)