

No. _____

IN THE
Supreme Court of the United States

KENNETH M. GRIFFIN,
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**

JOSHUA L. LOPES
Counsel of Record
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Rd., Ste. 1100
Joint Base Andrews, MD 20762
(240) 612-4770
joshua.lopes@us.af.mil
Counsel for Applicant

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Pursuant to 28 U.S.C. § 2101(c) and Supreme Court Rules 13.5, 22, and 30.3, the Applicant, Kenneth M. Griffin, requests an extension of time, to and including October 8, 2026, to file a petition for a writ of certiorari reviewing the decision of the Court of Appeals for the Armed Forces (CAAF) denying review of his case. Unless an extension is granted, the deadline for filing the petition for certiorari will be August 9, 2026.

In support of this application, Applicant states the following:

1. The CAAF denied review on May 11, 2026. This Court has jurisdiction under 28 U.S.C. § 1259(3). Copies of the CAAF's denial as well as the Air Force Court of Criminal Appeals' (Air Force Court's) decision, of which Applicant seeks review, are attached to this application. Enclosures A-B.

2. Applicant, a member of the United States Air Force, was tried at a general court-martial. He was convicted, contrary to his pleas, of two specifications of sexual abuse of a child in violation of 10 U.S.C. § 920b. Applicant was sentenced to confinement for thirty months, reduction to the grade of E-1, and a reprimand.

3. Following his conviction, Applicant appealed to the Air Force Court. Applicant raised five issues on appeal, including whether, as applied, 18 U.S.C. § 922 is unconstitutional. The Air Force Court declined to discuss or grant relief for this issue because the CAAF's decision in *United States v. Johnson* held that Courts of Criminal Appeals lack authority to modify the application of 18 U.S.C. § 922. __ M.J. __, 2025 CAAF LEXIS 499, at *13-14 (C.A.A.F. June 24, 2025).

4. Applicant petitioned the CAAF to review the Air Force Court's decision. The CAAF denied review in Applicant's case on May 11, 2026.

5. After the CAAF denied review in Applicant's case, Applicant's Air Force Appellate Defense Counsel received Permanent Change of Station orders and departed the Air Force Appellate Defense Division on June 30, 2026. Applicant's new Air Force Appellate Defense Counsel, Captain Joshua Lopes, was detailed to Applicant's case after previous counsel's departure.

6. While counsel has been working diligently in preparing this petition, including reviewing Applicant's record of trial, the Air Force Court's decision, and Applicant's petition to the CAAF, counsel still has significant briefing obligations between now and the current due date of the petition. In addition to Applicant's case,

Captain Lopes is also detailed to forty-nine other cases, including three cases pending petitions for writs of certiorari to this Court.

7. Additionally, as part of the basis for requesting an extension of time, the printing required for Applicant's petition must be processed through a federal government agency (the Air Force), which has payment and handling 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.

8. The extension to prepare a petition will allow counsel to fully address the complex issues raised by the decisions below and frame 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 for a writ of certiorari up to, and including, October 8, 2026.

Respectfully submitted,



JOSHUA L. LOPES
Counsel of Record
Appellate Defense Counsel
Air Force Appellate Defense Division
1500 West Perimeter Road, Suite 1100
Joint Base Andrews, MD 20762
(240) 612-4770
joshua.lopes@us.af.mil

Counsel for Applicant

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