

No. _____

IN THE
Supreme Court of the United States

JOSEPH A. SANTIAGO,
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**

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COUNSEL FOR APPLICANT

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Pursuant to Supreme Court Rules 13(5), 22, and 30, the Applicant, Joseph A. Santiago, requests a 60-day extension of time, to and including November 13, 2026, to file a Petition for a Writ of Certiorari. Unless an extension is granted, the deadline for filing the Petition will be September 14, 2026. 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 June 16, 2026. This Court has jurisdiction under 28 U.S.C. § 1259(1). A copy of the CAAF's disposition order is attached to this application.

2. Applicant, a member of the United States Army, was originally tried by a general court-martial consisting of officer members and a military judge. The panel convicted applicant contrary to his pleas, of one specification of murder and one specification of injuring an unborn child in violation of Articles 118 and 119a, UCMJ, 10 U.S.C. §§ 918 and 919a (2018). The military judge sentenced Applicant to be confined for life with the eligibility for parole for the specification and charge of murder, to run concurrently with the six-month sentence for the specification and charge of injuring of an unborn child, to be reduced to the grade of E-1, and to receive a dishonorable discharge.

3. Applicant received an automatic appeal of his convictions to the Army Court of Criminal Appeals. That court summarily affirmed the findings and sentence. *United States v. Santiago*, 2025 CCA LEXIS 564 (A. Ct. Crim. App. Dec. 5, 2025)(sum. disp.).

4. Applicant petitioned the Court of Appeals for the Armed Forces to review the summary affirmance. In his petition, applicant challenged the military judge's admission of hearsay under the "forfeiture by wrongdoing" exception pursuant to *United States v. Giles*, 554 U.S. 353 (2008). That court declined to grant review. *United States v. Santiago*, 2026 CAAF LEXIS 519 (C.A.A.F., June 16, 2026).

5. Applicant was not able to contact the undersigned in a timely fashion to inquire into the feasibility of retaining counsel for applicant's anticipated petition because of delays in the facilitation of attorney telephone calls and mail at the United States Disciplinary Barracks, Fort Leavenworth, Kansas, where applicant is

currently confined. Consequently, the undersigned was only retained for this purpose three (3) days ago.

6. Additionally, undersigned counsel is an Army Reservist who completed in August a period of active duty, during which he was not routinely available to assist civilian clients or complete work on his other cases. Undersigned counsel must further complete six periods of Reservist Substitute Training in September, prior to the end of the fiscal year. Undersigned counsel is a solo practitioner who cannot assign his cases to other attorneys during periods of military service.

7. Undersigned counsel is currently the attorney of record for 14 other matters pending before military and civilian courts for which he anticipates briefing and pleading requirements during the period requested.

8. Applicant thus requests a 60-day extension for counsel to prepare a petition that fully addresses the *Giles* issue raised by his Petition below and frame that issue in a manner 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, November 13, 2026.

Respectfully submitted,



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