

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Specialist (E-3)
THOMAS YEPEZ
United States Army,
Appellant

**MOTION TO FILE OUT OF TIME
AND MOTION FOR EXTENSION
OF TIME (2)**

Docket No. ARMY 20210236

Tried at Fort Hood, Texas on 11 March 2020, 8 May 2020, and 26-27 April 2021, before a general court-martial appointed by Commander, Headquarters, 1st Cavalry Division, Colonel Lanny Acosta Jr., military judge, presiding.

TO THE HONORABLE, THE JUDGES OF THE UNITED STATES ARMY
COURT OF CRIMINAL APPEALS

COMES NOW the undersigned appellate defense counsel, pursuant to Rules 23 and 24 of this court's Rules of Appellate Procedure, and move this court to grant appellant's Motion for Extension Out of Time. The undersigned appellate defense counsel request a 30-day extension of time until **27 June 2022** to file a Brief on Behalf of Appellant.

1. Consistent with Army Reg. 27-26, Rules of Professional Conduct for Lawyers, undersigned counsel request additional time to ensure that all due diligence has been done to adequately review, investigate, research, and

brief the assignments of error in this case and to fulfill counsel's ethical obligation to represent Appellant's interest.


2. This record of trial is 1,289 pages. A military judge sitting as a general court martial found Appellant guilty of one specification of sexual assault, contrary to his plea. (Charge Sheet). The military judge sentenced Appellant to 28 months confinement and a dishonorable discharge. Appellant is still in confinement and consents to the extension.
3. The current due date is 27 May 2022. Detailed appellate defense counsel requests additional time to complete the draft filing currently under supervisory review in this case.
4. The request for extension is one day late due to miscommunication regarding the filing deadline for an extension in this case and unanticipated delays in filing other briefs.
5. Counsel anticipates filing multiple assignments of error in this case.

Undersigned counsel currently has nine other cases pending the Brief on Behalf of Appellant before this Court, including six contested Courts Martial.

WHEREFORE, appellate defense counsel respectfully request that this court grant the instant motion.

PANEL NO. 3

MOTION FOR LEAVE TO FILE
OUT OF TIME

GRANTED: 

DENIED: _____

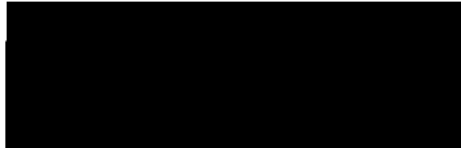
DATE: 26 May 2022

MOTION FOR EXTENSION (2)

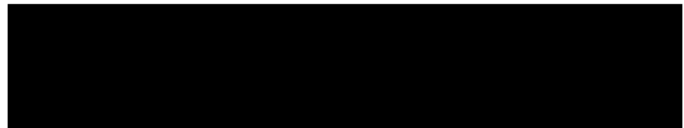
GRANTED: 

DENIED: _____

DATE: 26 May 2022



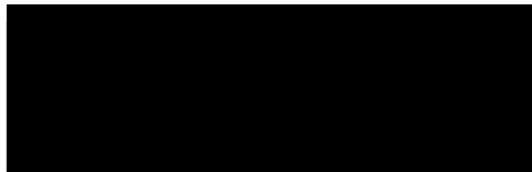
SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel



CHRISTIAN E. DELUKE
MAJ, JA
Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

Undersigned counsel certifies that a copy of the foregoing was electronically submitted to the Army Court and Government Appellate Division on **24 May 2022.**



SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel