

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20210389

Private First Class (E-3)

JOHN K. JARLEGO

United States Army,

Appellant

Tried at Fort Bliss, Texas on 24 July 20, 9-10 September 20, 14 December 20, 28-29 June 2021, and 18 October 2021, before a general court-martial appointed by the Commander, Headquarters, 1st Armored Division and Fort Bliss, Colonel Robert L. Shuck and Colonel Jeffrey W. Hart, military judges, presiding.

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

COME NOW the undersigned appellate defense counsel, pursuant to Rules 23 and 24 of this Court's Rules of Appellate Procedure, and move for a 30-day extension of time until 2 November 2022 to file a Brief on Behalf of Appellant.

1. Consistent with Army Regulation 27-26, Rules of Professional Conduct for Lawyers, the undersigned counsel request additional time to ensure that counsel has diligently investigated, thoroughly researched, and appropriately briefed the assignments of error in this case in order to fulfill counsels' ethical obligation to represent the appellant's interest.

2. This is a contested case. The trial transcript contains 524 pages and the record of trial consists of 1,006 pages. The sentence was adjudged on 29 June 2021, and it included a dishonorable discharge, confinement for 48 months, forfeiture of all pay and allowances, and reduction to Private E1. Appellant is currently in confinement. Appellant concurs with this request.

PANEL NO. 3

3. The Brief on Behalf of Appellant is currently due on 3 October 2022. Appellant requests a 30-day extension of time to 2 November 2022 to file appellant's brief.

4. First undersigned counsel currently has seven cases before this Court pending opening briefs (including five contested cases), with approximately 3,107 transcript pages. Additionally, first undersigned counsel has four cases before the Court of Appeals for the Armed Forces (CAAF) pending supplements.

5. First undersigned counsel is supporting *United States v. Fleming*, ARMY 20200721, as second chair. This case is scheduled for oral argument on 27 September 2022.

6. Undersigned counsel requests additional time to review the record, research issues, confer with appellant, and accomplish supervisory review.

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

PANEL NO. 3

MOTION FOR EXTENSION (2)

GRANTED

DENIED

DATE 27 September 2022


CAROL K. RIM
CPT, JA
Appellate Defense Counsel
Defense Appellate Division


BRYAN A. OSTERHAGE
MAJ, JA
Acting Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to the
Army Court and Government Appellate Division on 24 September 2022.



CAROL K. RIM
CPT, JA
Appellate Defense Counsel
Defense Appellate Division