

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

**MOTION FOR EXTENSION (6)
WITH RECONSIDERATION OF
FINALITY**

v.

Docket No. ARMY 20210286

Private First Class (E-3)
LUIS A. MORALESSANCHEZ
United States Army,
Appellant

Tried at Fort Bliss, Texas, on 5 June, 3 August, 22 September 2020, 14, 25–26 January, 19 February, and 3–8, 10, 17 May 2021, before a general court-martial appointed by Commander, Fort Bliss, Colonel Michael S. Devine and Colonel Robert L. Shuck, 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 this court to reconsider its decision setting the current deadline of 28 October 2022 to file a brief as final, and for a 30-day extension of time until 27 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 have diligently investigated, thoroughly researched, and appropriately briefed the assignments of error in this case in order to fulfill counsel’s ethical obligation to represent the appellant’s interest.
2. This is a contested case involving a mixed plea with twenty-five specifications, to include two contested convictions for Article 118 offenses. The record of trial with exhibits and attachments is approximately 4,000 pages, which includes 1461 pages of trial transcript. The sentence adjudged

on 10 May 2021 included confinement for a total term of forty years and ten months and a dishonorable discharge. Appellant is still in confinement. Appellant concurs with this request.

3. On 19 September 2022, this court granted appellant's Motion for Extension (5) with reconsideration of finality, setting 28 October 2022 as the current and final deadline to file appellant's brief. Appellant requests this court reconsider its decision on finality and grant an additional 30-day extension of time to 27 November 2022.

4. As good cause for reconsideration and granting the additional extension, appellant submits:

a. On 7 September 2022, appellant retained civilian defense counsel to represent him for this appeal. Due to the substantial size of the record of trial and complexity of appellant's case, civilian counsel still requires additional time to review the entire record, research issues, confer with appellant, and complete appellant's brief.

b. Civilian counsel contracted COVID and was only able to work on a limited basis for two weeks in August and September 2022. On 15 September 2022, civilian counsel also had surgery at the Mayo clinic in Jacksonville, Florida. He has only been able to work on a limited basis since surgery.

c. Civilian counsel currently has 48 cases on his docket. Civilian counsel has been preparing for *United States v. Anderson*, Docket No. 22-0193/AF, at the Court of Appeals for the Armed Forces (CAAF). The granted issue in *Anderson* concerns unanimity of guilty verdicts in courts-martial, and oral argument is scheduled for 25 October 2022. Civilian counsel also has the following pending cases: three before the CAAF; 22 before this court; three before the Navy-Marine Corps Court of Criminal Appeals; four before the Air Force Court of Criminal Appeals; and six before the Court of Federal Claims. Additionally, civilian counsel currently has three pending writs of habeas corpus and seven cases before clemency and parole boards.

d. Second undersigned counsel is currently assigned 29 cases (22 contested) with approximately 16,000 transcript pages pending before this court and the CAAF. Since the last extension request, second

undersigned counsel filed one initial brief and two reply briefs with this court, and one supplement with assignments of error with the CAAF. In the next thirty days, second undersigned counsel has five other initial briefs due to this court, and three supplements with assignments of error due to the CAAF.

5. On 19 October 2022, appellant filed a motion to stay the filing deadline due to missing portions of the record of trial. That motion is currently pending. Appellant files the instant motion in the event this court denies or does not action the motion to stay before the brief filing deadline.

6. The undersigned counsel believe that the requested extension is in the best interest of the appellant and that denying this request will materially prejudice appellant's appellate rights.

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

PANEL NO. 3

MOTION FOR
RECONSIDERATION OF
FINALITY

GRANTED: _____

DENIED: ☐ _____


DATE: 28 OCT 2022

MOTION FOR EXTENSION (6)


GRANTED: _____

DENIED: ☐ _____

DATE: 28 OCT 2022



FOR: WILLIAM E. CASSARA, Esq.
Civilian Appellate Defense Counsel





ANDREW R. BRITT
Captain, Judge Advocate
Appellate Defense Counsel
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 22 October 2022.



ANDREW R. BRITT
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division

From: [USARMY Pentagon HQDA OTJAG Mailbox Clerk of Court eFiling](#)
To: [Britt, Andrew R CPT USARMY HQDA OTJAG \(USA\)](#); [USARMY Pentagon HQDA OTJAG Mailbox TJ Service](#)
Cc: [USARMY Pentagon HQDA OTJAG Mailbox GAD ACCAservice](#); [USARMY Pentagon HQDA OTJAG Mailbox DAD ACCAservice](#); [William Cassara](#); chris@court martial.com
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Date: Monday, October 24, 2022 9:29:00 AM
Attachments: [MoralesSanchez - 20210286 - Motion for Extension \(6\) with Recon of Finality \(221022\).pdf](#)

Your pleading is in compliance with the Court's Rules of Practice and Procedure, and the pleading is accepted.

Very respectfully,

Office of the U.S. Army Clerk of Court
9275 Gunston Road, Bldg. 1450
Fort Belvoir, VA 22060-5546

From: Britt, Andrew R CPT USARMY HQDA OTJAG (USA) <andrew.r.britt.mil@army.mil>
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Very respectfully,

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