

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

**MOTION FOR EXTENSION TO
FILE REPLY BRIEF**

v.

Docket No. ARMY 20210199

Lieutenant Colonel (O-5)
ROBERT M. BABA

Tried at Fort Knox, Kentucky, on 13-14 April 2021, before a general court martial, appointed by the Commander, Headquarters, 1st Theater Sustainment Command, Lieutenant Colonel Mary Catherine Vergona, military judge, 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 7-day extension of time until **25 October 2022** to file a Reply 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 counsels' ethical obligation to represent the appellant's interest.
2. This is a contested case. The entire record is 1,572 pages. A military judge sitting as a general court martial found appellant guilty of one specification of dereliction of duty, three specifications of wrongful possession of a

controlled substance, and nine specifications of larceny of military property. (Charge Sheet). The military judge sentenced appellant to be dismissed from the service. Appellant consents to the extension and is not in confinement.

3. The Reply Brief on Behalf of Appellant is currently due on **18 October 2022**. Undersigned counsel seeks an extension to submit the reply brief in this case due to oral argument in United States v. Alsobrooks, scheduled for 18 October 2022 in Miami, Florida. Undersigned counsel is preparing for oral argument and will be traveling next week, limiting the ability to complete supervisory review and submit the reply brief in the allotted time.

4. First 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. 4

MOTION FOR EXTENSION
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GRANTED

DENIED

DATE 18 OCT 2022



SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel
Defense Appellate Division



MITCHELL HERNIAK
MAJ, JA
Branch Chief
Defense Appellate Division

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army Court and Government Appellate Division on October 14, 2022.



MICHELLE L.W. Surratt
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