

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

v.

Specialist (E-4)

DAVID P. VANBUREN

United States Army,

Appellant

**MOTION FOR EXTENSION OF
TIME (3)**

Docket No. ARMY 20220062

Tried at Wheeler Army Airfield,
Hawaii, on 6 December 2021, 4
February 2022 and 14-16 February
2022, before a general court martial,
appointed by the Commander, Eighth
Army, Lieutenant Colonel Michael
Korte, 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 moves this
court to grant appellant's motion for a 30-day extension of time until **12
January 2023** 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. The record of trial is 631 pages. This is a contested case, and an enlisted panel sitting as a general court martial found appellant guilty, contrary to his plea, of three specifications of abusive sexual contact, and one specification of wrongful impersonation of a military police investigator, in violation of Articles 120 and 106, UCMJ. (Charge Sheet). An enlisted panel sentenced appellant to be confined for sixteen months, reduced to the grade of E-1, and to be discharged from the service with a bad-conduct discharge. Appellant consents to the extension.
3. The due date is 13 December 2022. [REDACTED] has not been able to finalize the draft of the Brief on Behalf of Appellant with either the detailed military appellate counsel or appellant, due to other obligations and cases. [REDACTED] currently has twenty cases pending before the Army Court, three cases pending before the Air Force Court, three cases pending with the Navy Court. Additionally, [REDACTED] [REDACTED] has three cases pending before the Court of Appeals for the Armed Forces, five cases in federal court, three habeas corpus petitions and eight clemency petitions pending.
4. Detailed appellate counsel was unable to work with [REDACTED] on this case due to finalizing other briefs. Specifically, detailed appellate

counsel received notice that the Court of Appeals for the Armed Forces granted a petition to review another case, and the court ordered briefs filed on a case for which undersigned appellate counsel is lead counsel. That case took a significant amount of detailed appellate counsel's time, alongwith preparing to file another brief on behalf of appellant before this court in *United States v. Gumbs*.

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

PANEL NO. 4

MOTION FOR EXTENSION
(3)

GRANTED:

DENIED:

DATE: 9 DEC 2022

For WILLIAM CASSARA
Civilian Appellate Counsel
Office of William E. Cassara

SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

I certify that a copy of the foregoing was electronically submitted to Army
Court and Government Appellate Division on December 8, 2022.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

