

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,

Appellee

**MOTION FOR EXTENSION TO  
FILE REPLY BRIEF**

v.

Docket No. ARMY 20220248

Staff Sergeant (E-6)

**DANIEL D. HERMAN**

United States Army,

Appellant

Tried at Fort Hood, Texas, on 11 April and 10-14 May 2022, before a general court-martial appointed by the Commander, Headquarters, III Corps and Fort Hood, Lieutenant Colonel Scott Z. Hughes, 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 for a seven day extension of time until 19 October 2023 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. Appellant is not in confinement. Appellant concurs with this request.

3. The Reply Brief on Behalf of Appellant is currently due on 12 October 2023. Appellant requests a seven day extension of time to 19 October 2023 to file appellant's reply brief.

4. The undersigned counsel currently has ten cases pending before this court and two cases pending before the Court of Appeals for the Armed Forces (CAAF).


5. From 10-12 October 2023, the undersigned counsel will be on temporary duty at Joint Base Lewis-McChord for the CAAF outreach argument in *United States v. Strong* USCA Dkt. No. 23-0107/AR.

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

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

PANEL NO. 2

MOTION FOR EXTENSION TO  
FILE REPLY BRIEF

GRANTED  \_\_\_\_\_

DENIED \_\_\_\_\_

DATE 10 October 2023



MITCHELL D. 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 the Army Court of Criminal Appeals and the Government Appellate Division on 5 October 2023.



Mitchell D. Herniak  
Major, Judge Advocate  
Branch Chief  
Defense Appellate Division

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**Subject:** RE: HERMAN-20220248-Motion for Extension to File Reply Brief (1)  
**Date:** Friday, October 6, 2023 8:46:00 AM  
**Attachments:** [HERMAN-20220248-Motion for Extension to File Reply Brief \(1\) \(231005\).pdf](#)

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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

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**Subject:** HERMAN-20220248-Motion for Extension to File Reply Brief (1)

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