

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

MOTION FOR EXTENSION (3)

v.

Docket No. ARMY 20220427

Sergeant First Class (E-7)
BRIAN J. DIVINE
United States Army,
Appellant

Tried at Fort Hood, Texas, on 24 May, 27 June, and 24 August 2022, before a general court martial, appointed by the Commander, III Corps and Fort Hood, Colonel Maureen Kohn, 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 for a 30-day extension of time until **24 August 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 complete supervisory review of the draft brief.
2. The entire record is 1,362 pages. In accordance with his pleas of guilty, a military judge sitting as a general court martial found appellant guilty by exceptions and substitutions of four specifications of violating a lawful general regulation (Army Regulation 600-20,

paragraph 4-14b), in violation of Article 92, Uniform Code of Military Justice [UCMJ]; and three specifications of maltreatment, in violation of Article 93, UCMJ. (Charge Sheet). The military judge sentenced appellant to be discharged from the service with a bad-conduct discharge. (R. at 259). Appellant consents to the extension.

3. The current due date is **25 July 2023**. Civilian appellate defense counsel requests additional time to research, draft and finalize the brief. Civilian appellate defense counsel was on US Army Reserve orders from 6-9 June 2023. Additionally, civilian appellate defense counsel held multiple upcoming administrative hearings on 15, 20, 21, and 23 June 2023. Also, the client has additional *Grosteffon* matters that counsel is editing for the client.

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

PANEL NO. 2

MOTION FOR EXTENSION (3)

GRANTED:

DENIED:

DATE: 21 JUL 2023

[REDACTED]

CARL MARRONE
Civilian Appellate Defense Counsel
National Security Law Firm

[REDACTED]

[REDACTED]

MATTHEW FIELDS
CPT, JA
Appellate Defense Counsel
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 July 19, 2023.



MICHELLE L.W. SURRATT
Paralegal Specialist
Defense Appellate Division

