

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (2)

v.

Docket No. ARMY 20230236

Sergeant (E-5)

VICTOR F. MORALES II,

United States Army,

Appellant

Tried at Fort Liberty, North Carolina, on 22 November 2022, 13 February, 3 March, 3 April, 20 April, and 25-29 April 2023, before a general court-martial appointed by the Commander, Headquarters, 82nd Airborne Division, Colonel J. Harper Cook, 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 Internal Rules of Practice and Procedure and move this court to grant appellant's Motion for Extension of Time. The undersigned appellate defense counsel requests a 30-day extension of time, until 11 February 2024, to file a Brief on Behalf of Appellant. The Brief on Behalf of Appellant is currently due on 12 January 2024. Pursuant to Rule 24.1(b), the first undersigned counsel asserts:

1. On 20 April 2023, an enlisted panel sitting as a general court-martial, found Sergeant Victor F. Morales II (appellant) guilty contrary to his pleas of three specifications of wrongful possession of

child pornography and one specification of indecent conduct, in violation of Article 134, Uniform Code of Military Justice, 10 U.S.C. § 934 [UCMJ]. The military judge sentenced appellant to nine years of confinement, reduction to E-1, and a dishonorable discharge. On 25 May 2023, the convening authority took no action. This court referred appellant's case on 15 August 2023.

2. The transcript in this case alone is 1702 pages, while additional documents and attachments are 1914 pages. In addition, the record contains a number of sealed records and materials.
3. The first undersigned counsel has two oral arguments as a first and second chair and three supplemental briefs due at CAAF in January 2024. In addition, the counsel has twenty cases pending review at this court.
4. Consistent with Army Regulation 27-26, Rules of Professional Conduct for Lawyers, undersigned counsel request additional time to ensure that counsel have diligently investigated, thoroughly researched, and appropriately briefed any assignments of error in this case to fulfill counsels' ethical obligation to represent the appellant's interest.
5. Appellant is still in confinement and concurs with this request.

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


PANEL NO. 3

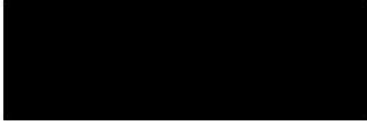
MOTION TO VIEW SEALED
MATERIAL

GRANTED: 

DENIED: _____

DATE: 09 January 2024


TUMENTUGS D. ARMSTRONG
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division


MITCHELL D. HERNIAK
Major, Judge Advocate
Branch Chief
Defense Appellate Division

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was electronically submitted to the Army Court and Government Appellate Division on 5 January 2024.



TUMENTUGS D. ARMSTRONG
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division