

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
TO FILE REPLY BRIEF**

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

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 seven-day
extension of time until **5 July 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 to fulfill counsels' ethical obligation to represent the appellant's interest.
2. This is a contested case. The record of trial is 622 pages. A military judge sitting as a general court martial found appellant guilty, contrary to his plea, of two specifications of sexual assault. (Charge Sheet). The military judge sentenced appellant to be confined for eighteen months, reduced to the grade of E-1 and to be dishonorably discharged from the service. Appellant consents to the extension.

3. The Reply Brief on Behalf of Appellant is currently due on **28 June 2023**. [REDACTED], the lead appellate counsel is currently lead counsel on sixteen cases pending or currently before this court, two cases before the Air Force court of criminal appeals, two cases before the Navy court of criminal appeals, and seven cases before the Court of Appeals for the Armed Forces (CAAF). Further, [REDACTED] is lead counsel on six cases before the Court of Claims, and three habeas petitions. Due to his current caseload and the obligations to other clients, [REDACTED] requests an additional week to confer with detailed military appellate counsel and his client before submitting the reply brief.

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

PANEL NO. 4

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GRANTED: [REDACTED]

DENIED: _____

DATE: 23 JUN 2023

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

[REDACTED]
SARAH H. BAILEY
CPT, JA
Appellate Defense Counsel

CERTIFICATE OF FILING AND SERVICE

Undersigned counsel certifies that a copy of the foregoing was electronically delivered to the Court and Government Appellate Division on: June 22, 2023



Sarah H. Bailey
CPT, JA
Appellate Defense Counsel
Defense Appellate Division