

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES

Appellee

MOTION FOR EXTENSION (6)

v.

Docket No. ARMY 20220429

Private First Class

DAVY J. HALCHIMAI,

United States Army,

Appellant

Tried at Fort Bliss, Texas, on 14 February, 11 July, 5 August, and 16-19 August 2022, before a general court-martial appointed by the Commander, Headquarters, 1st Armored Division, Colonel Robert Shuck and Colonel Joseph R. Distaso, military judges, 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 30 day extension of time until 2 April 2024 to file a Brief on Behalf of Appellant.

Consistent with Army Regulation 27-26, Rules of Professional Conduct for Lawyers, the undersigned counsel request additional time to ensure that counsel has 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.

This is a contested case. The trial transcript contains 996 pages and the electronic record of trial (eROT) consists of 2213 pages. The sentence

was adjudged on 19 August 2022, and includes a dishonorable discharge and confinement for five years.

The Brief on Behalf of Appellant is currently due on 3 March 2024. Appellant requests a 30-day extension of time to 2 April 2024 to file appellant's brief. Appellant consents to this extension.

Good cause exists for this extension. First undersigned counsel, Mr. Jonathan Potter, is listening to the audio of appellant's court-martial because of the number of transcription errors in this case. In the past month, Mr. [REDACTED] has reviewed sealed records for this case and two other cases. Mr. [REDACTED] is currently detailed to four other complex cases before this court. Mr. [REDACTED] also has supervisory responsibilities on more than twenty other cases in the Defense Appellate Division (DAD), including a number of government appeals with short suspenses. To help counsel prepare for oral argument, Mr. [REDACTED] participated in eleven moots at DAD in the past month.

In the past month, Mr. [REDACTED] had to take additional time off from work to deal with flooding and water damage to his home from a recent rainstorm. Mr. [REDACTED] also had to take time off from work for medical appointments. Lastly, Mr. [REDACTED] was on leave from 2-7 February 2024. Mr. [REDACTED] needs additional time to review appellant's case, discuss the case with appellant, and complete appellant's brief.

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

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

PANEL NO. 3

MOTION FOR
EXTENSION (6)

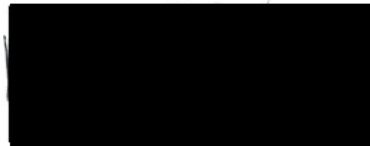
GRANTED:  FINAL

DENIED: _____

DATE: 27 February 2024



Jonathan F. Potter
Senior Appellate Counsel
Defense Appellate Division



Robert W. Rodriguez
Major, Judge Advocate
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 and Government Appellate Division on 26 February 2024.



Robert W. Rodriguez
Major, Judge Advocate
Branch Chief
Defense Appellate Division