

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

**MOTION FOR EXTENSION (3)**

v.

Docket No. ARMY 20220276

Staff Sergeant (E-6)  
**KYLE W. BURRESON**  
United States Army,  
Appellant

Tried at Fort Bliss, Texas on 1  
November 2021, 25 March 2022, and  
21 May 2022 before a general court-  
martial convened by Commander,  
Headquarters, 1st Armored Division,  
Colonel Robert Shuck, 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 thirty-day  
extension of time until 12 April 2023 to file a Brief on Behalf of Appellant.

1. This is a guilty plea case involving one charge of aggravated assault  
against an infant and one charge of making a false statement. The  
entire electronic record exceeds 3,200 pages. The transcript and  
associated exhibits are over 600 pages. The sentence adjudged on 21  
May 2022 included confinement for a total term of nine years and a  
dishonorable discharge. Appellant remains in confinement.

2. In addition to the above-captioned case, the first undersigned  
counsel is detailed to *United States v. Hasan*, a death penalty case, with  
oral argument set for later this month at the Court of Appeals for the  
Armed Forces (CAAF). The first undersigned counsel is also detailed  
to ten other active cases, including one which was recently granted  
before the CAAF. Additionally, the first undersigned counsel is  
currently serving as an acting branch chief and anticipates acting in

such capacity for the following sixty days, supervising four other action attorneys within the office.

3. Appellant's brief is currently due on 13 March 2023. Appellant requests a thirty-day extension of time until 12 April 2023.

4. Consistent with Army Reg. 27-26, Legal Services: Rules of Professional Conduct for Lawyers (28 Jun. 2018), the first undersigned counsel requests additional time to review the case and to fulfil counsel's ethical obligation to represent appellant's interest.

5. Appellant consents to this extension request.

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


PANEL NO. 3


MOTION FOR EXTENSION (3)

GRANTED: 

DENIED: \_\_\_\_\_

DATE: 9 March 2023

  
BRYAN A. OSTERHAGE  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division

  
JONATHAN F. POTTER  
Senior Capital Defense Attorney  
Appellate Defense Counsel  
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 6 March 2023.



BRÝAN A. OSTERHAGE  
Major, Judge Advocate  
Appellate Defense Counsel  
Defense Appellate Division