

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,  
Appellee

**MOTION FOR EXTENSION (2)**

v.

Docket No. ARMY 20220276

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

Tried at Fort Bliss, Texas on 1 March 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 13 March 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 2021 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 nine other active cases, including *United States v. Hasan*, a death penalty case. Three of these cases have filing deadlines with this court in the next thirty days. Moreover, the first undersigned counsel is acting in a supervisory capacity on several cases before the Court of Appeals for the Armed Forces with pleadings that are anticipated to be filed this month and will be second chair for the oral argument in *United States v. Kim* on 7 February 2023.

3. Additionally, as of today, 6 February 2023, appellant is contemplating hiring civilian defense counsel.
4. Appellant's brief is currently due on 11 February 2023. Appellant requests a thirty-day extension of time until 13 March 2023.
5. 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.
6. 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 (2)

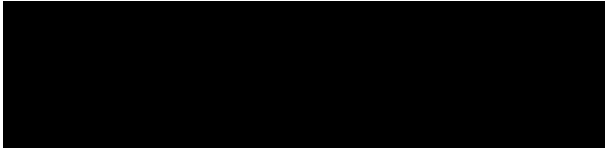
GRANTED: 

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

DATE: 8 FEB 23



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



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 February 2023.



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