

IN THE UNITED STATES ARMY COURT OF CRIMINAL APPEALS

UNITED STATES,
Appellee

MOTION FOR EXTENSION (4)

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 May 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. The first undersigned counsel has identified significant issues in this case, to include a possible ineffective assistance of counsel claim that requires further investigation before briefing.
3. In addition to the above-captioned case, the first undersigned counsel recently conducted argument in *United States v. Hasan*, a death penalty case, on 28 March 2023. The first undersigned counsel is also detailed to ten other active cases, and is currently serving as an acting

branch chief and anticipates acting in such capacity for the following thirty days.

4. Appellant's brief is currently due on 12 April 2023. Appellant requests a thirty-day extension of time until 12 May 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 (4)

GRANTED: 

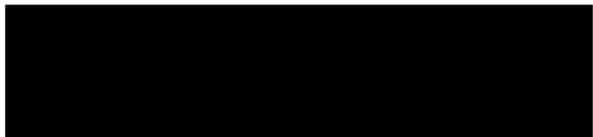
FINAL

DENIED: _____

DATE: 5 April 2023



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 4 April 2023.



SEAN PATRICK FLYNN
Captain, Judge Advocate
Appellate Defense Counsel
Defense Appellate Division